

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

THIRTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 28, 1985

The House of Representatives convened at 2:00 p.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Orville L. Olson, Assistant to the Bishop, South Eastern Minnesota District of the American Lutheran Church, Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Svigum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Gutknecht moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 186, 533, 565, 674, 701, 702, 738, 825, 446, 470, 586, 604, 633, 648, 102, 698, 771, 779, 835, 256, 263, 401, 850 and 345 and S. F. Nos. 19, 89, 228, 247, 483, 43 and 230 have been placed in the members' files.

S. F. No. 483 and H. F. No. 263, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tunheim moved that the rules be so far suspended that S. F. No. 483 be substituted for H. F. No. 263 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 21, 1985

The Honorable David M. Jennings
Speaker of the House
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 68, relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1984, section 524.3-913.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 21, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1985 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
106		7	March 21	March 21
333		8	March 21	March 21
102		9	March 21	March 21
	68	10	March 21	March 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 58, A bill for an act relating to the town of Moorhead; allowing the town certain powers.

Reported the same back with the following amendments:

Page 1, line 9, delete everything after "*subdivision 1*"

Page 1, line 10, delete everything before the period

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 145, A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, sections 117.52, by adding a subdivision; and 473.167, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 473.167, is amended by adding a subdivision to read:

Subd. 2a. [HARDSHIP ACQUISITION AND RELOCATION.] (a) The council may make hardship loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway rights-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the appraised fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make hardship loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal or state financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway rights-of-way or project as indicated on an official map or plat adopted under section 160.385, 394.361, or 462.359;

(4) the appraisal of the fair market value of the homestead property has been approved by the council. The council's approval shall not be unreasonably withheld; and

(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic

medical expenses; a transfer of the homestead owner by his or her employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.

(c) *For purposes of this subdivision, the following terms have the meanings given them.*

(1) *"Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.*

(2) *"Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres.*

(3) *"Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale.*

Sec. 2. Minnesota Statutes 1984, section 473.167, subdivision 3, is amended to read:

Subd. 3. [TAX.] The council may levy a tax on all taxable property in the metropolitan area, as defined in section 473.121, to provide funds for loans made pursuant to (SUBDIVISION) subdivisions 2 and 2a. The tax shall be certified by the council, levied, and collected in the manner provided by section 473.08. The tax shall be in addition to that authorized by section 473.249 and any other law and shall not affect the amount or rate of taxes which may be levied by the council or any metropolitan agency or local governmental unit. The amount of the levy shall be as determined and certified by the council, except as otherwise provided in this subdivision. The tax shall not be levied at a rate higher than five one-hundredths of one mill. The tax shall not be levied at a rate higher than that determined by the council to be sufficient, considering the other anticipated revenues of and disbursements from the loan fund, to produce a balance in the loan fund at the end of the next calendar year equal to twice the amount that a tax levy of five one-hundredths of a mill would raise in that year.

Sec. 3. [AFFECTED COUNTIES.]

Sections 1 and 2 are effective only in the counties of Anoka, Carver, Dakota excluding the city of Northfield, Hennepin excluding the city of Hanover, Ramsey, Scott excluding the city of New Prague, and Washington."

Delete the title and insert:

"A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway rights-of-way; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 230, A bill for an act relating to state lands; authorizing the sale of certain surplus state land in Dakota county to the city of Hastings.

Reported the same back with the following amendments:

Page 1, line 7, after "CERTAIN" insert "DEPARTMENT OF"

Page 1, line 7, delete "ADMINISTRATION" and insert "AFFAIRS"

Page 1, line 11, delete "*September 1, 1985*" and insert "*January 1, 1986*"

Page 1, line 12, delete "*may*" and insert "*must*"

Page 1, line 15, after "*appraised*" insert "*in the manner provided in Minnesota Statutes, section 94.10*"

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

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 255, A bill for an act relating to courts; practice and procedure in dram shop actions; amending Minnesota Statutes 1984, sections 340.95 and 340.951.

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

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 260, A bill for an act relating to game and fish; discharge of firearms and access to agricultural lands; amending Minnesota Statutes 1984, section 100.273, subdivisions 5 and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 100.273, subdivision 3, is amended to read:

Subd. 3. No person (SHALL) *may* enter upon (ANY) *agricultural or nonagricultural* land not his or her own (REGARDLESS IF IT IS AGRICULTURAL LAND) with intent to take (ANY) wild animals after being notified not to do so (,). *Notification may be made* either orally by the owner, occupant or lessee, or by signs erected (PURSUANT TO) *under* subdivision 6.

Sec. 2. Minnesota Statutes 1984, section 100.273, subdivision 5, is amended to read:

Subd. 5. No person shall take any wild animal with a firearm without the written permission of the owner or occupant of the premises on any private agricultural land not his own or any public right-of-way *when the person or animal is within (500) 1,000* feet of any building occupied by a human being or by livestock, or within (500) 1,000 feet of any stockade or corral containing livestock, nor shall any person take any wild animal with a firearm *when the person or animal is within 200* feet of any building occupied by a human being on any land other than agricultural land without the oral permission of the owner or occupant of the premises, or within (500) 1,000 feet of any burning area.

Sec. 3. Minnesota Statutes 1984, section 100.273, subdivision 7, is amended to read:

Subd. 7. In taking raccoon, bobcat, coyote or fox when treed or at bay on private land with the aid of dogs, a person while on foot may, without permission of the landowner, enter such private land to retrieve any dogs and then shall immediately leave the premises. (DURING THE SEASON FOR TAKING BIG OR SMALL GAME,) *Unless notified not to do so, either orally by the owner, occupant, or lessee, or by signs erected pursuant to subdivision 6,* a hunter may on foot retrieve a wounded big or small game animal from agricultural land of

another (WHICH IS NOT POSTED PURSUANT TO SUBDIVISION 6,) without permission of the landowner, and shall then leave as soon as possible."

Amend the title as follows:

Page 1, line 4, after "subdivisions" insert "3," and after "5" insert a comma

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 368, A bill for an act relating to crimes; requiring notice of dishonor for issuing a worthless check to cite laws creating civil and criminal liability; amending Minnesota Statutes 1984, sections 332.50, subdivisions 2 and 3; and 609.535, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 22, after "was" insert "*contained in a written agreement between the drawer and the holder of the dishonored check or was*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 397, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to possess and use arms shall not be abridged.

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 399, A bill for an act relating to education; the permanent school fund; requiring exchange or compensation to the fund for land in state parks and waysides; requiring an inventory of other permanent school fund lands; stating the goal of the permanent school fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 92 and 120.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [92.121] [PERMANENT SCHOOL FUND LANDS.]

Subdivision 1. [EXCHANGE.] The department of natural resources shall exchange permanent school fund land as defined in the Minnesota Constitution, article XI, section 8, located in state parks or state waysides for other lands as allowed by the Minnesota Constitution, article XI, section 10, and section 94.343, subdivision 1, that are compatible with the goal of the permanent school fund lands in section 2.

Subd. 2. [INVENTORY.] The department of natural resources shall inventory permanent school fund land located in state parks or state waysides not exchanged under subdivision 1 and any other permanent school fund lands whose present use is not compatible with the goal of permanent school fund lands in section 2. By January 15, 1986, the department shall report this information along with its recommendations for providing for compatibility of the land use and the goal of the permanent school fund land to the education, agriculture and natural resources, and finance committees of the senate and the education, environment and natural resources, and appropriations committees of the house.

Sec. 2. [120.85] [GOAL OF THE PERMANENT SCHOOL FUND.]

The legislature intends that it is the goal of the permanent school fund to secure the maximum long-term economic return from the school trust lands consistent with the fiduciary responsibilities imposed by the trust relationship established in the state constitution, with sound natural resource conservation and management principles, and with other specific policy provided in state law."

Amend the title as follows:

Page 1, line 3, delete "or compensation to the fund"

Page 1, line 7, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 405, A bill for an act relating to courts; providing for interest rates on arbitration awards; amending Minnesota Statutes 1984, section 549.09, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete section 2

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 414, A bill for an act relating to retirement; providing postretirement annuity or benefit increases for certain retired or disabled public employees.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [POSTRETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.]

Subdivision 1. [ENTITLEMENT.] Any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 3, clauses (1) to (5), which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 3, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 3, clause (1), (2), (3), or (5), and any person who is receiving a "\$2 bill and annuity" annuity from the retirement fund specified in subdivision 3, clause (6), and any person who is receiving a retirement annuity, a disability benefit or a surviving spouse's annuity or benefit from the retirement fund specified in subdivision 3, clause (5), which was computed under the metropolitan transit commission-transit operating division employees retirement fund plan document in effect on or prior to December 31, 1977, shall be entitled to receive a postretirement adjustment from the applicable retirement fund in the amount specified in subdivision 2.

Subd. 2. [AMOUNT OF POSTRETIREMENT ADJUSTMENT; PAYMENT.] For any person receiving an annuity or benefit on November 30, 1985, or on November 30, 1986, and entitled to receive a postretirement adjustment pursuant to subdivision 1, the postretirement adjustment shall be a lump sum payment in an amount equal to \$19 during 1985 and \$20 during 1986 for each full year of allowable service credited to the person by the respective retirement fund. The postretirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1985, on December 1, 1985, and for those persons receiving an annuity or benefit on November 30, 1986, on December 1, 1986. Nothing in this section shall authorize the payment of a postretirement adjustment to an estate. Notwithstanding Minnesota Statutes, section 356.18, the postretirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the postretirement adjustment not be paid.

Subd. 3. [COVERED RETIREMENT FUNDS.] The postretirement adjustment provided for in this section shall apply to the following retirement funds:

- (1) public employees retirement fund;*
- (2) public employees police and fire fund;*
- (3) teachers retirement fund;*
- (4) state patrol retirement fund;*
- (5) state employees retirement fund of the Minnesota state retirement system; and*

(6) *Minneapolis employees retirement fund.*

Subd. 4. [TERMINAL AUDIT.] Each covered retirement fund as specified in subdivision 3 shall, as soon as is practical following the payment of the December 1, 1986, postretirement adjustment, calculate the amount of any appropriation apportioned to it which is in excess of the amounts required to pay the postretirement adjustments provided for in this act. The calculations required by this paragraph shall be reported to and verified by the commissioner of finance and amounts equal to these reported excess appropriation amounts shall be returned to the general fund.

Subd. 5. [BENEFIT ADJUSTMENT STUDY.] In order to provide the legislature in 1987 with sufficient data to make an informed decision concerning the costs of revising the benefits paid to certain retirees, each covered retirement fund specified in subdivision 3 shall review the file of each person entitled to receive a postretirement adjustment pursuant to subdivision 1.

As part of the review, each retirement fund is to prepare calculations of the benefit amount each person would receive if the benefit were recomputed under the laws in effect after July 1, 1973, for funds specified in subdivision 3, clauses (1) to (5) and after March 5, 1974, for the fund specified in subdivision 3, clause (6). As part of that calculation, each fund shall be prepared to adjust that recomputed benefit by the percentage increases granted by the appropriate postretirement investment fund since 1977.

In addition, each retirement fund shall prepare to compute a second benefit amount to be based on a minimum benefit amount per year of service.

If a retirement fund cannot prepare calculations of either the recomputation or of the minimum benefit, or both, for certain types of benefit recipients, the legislative commission on pensions and retirement is to determine procedures to be followed.

Sec. 2. [APPROPRIATION.]

There is hereby appropriated during the 1986-87 biennium, the amount of \$10,897,563 for the purpose of funding the postretirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the postretirement adjustment as follows:

	FY 1986	FY 1987
<i>public employees retirement fund</i>	<i>\$1,952,668</i>	<i>\$1,917,320</i>
<i>public employees police and fire fund</i>	<i>80,579</i>	<i>80,580</i>

<i>teachers retirement fund</i>	1,656,211	1,648,500
<i>state patrol retirement fund</i>	62,624	62,620
<i>state employees retirement fund</i>	1,389,888	1,389,880
<i>Minneapolis employees retirement fund</i>	328,073	328,620

There is hereby appropriated during the 1986-1987 biennium, the amount of \$593,800 for the purpose of defraying the cost of the review of the files required by section 1, subdivision 5. The appropriation shall be apportioned as follows:

	FY 1986	FY 1987
<i>public employees retirement fund</i>	\$227,720	0
<i>public employees police and fire fund</i>	10,240	0
<i>teachers retirement fund</i>	146,680	0
<i>state patrol retirement fund</i>	5,160	0
<i>state employees retirement fund</i>	127,920	0
<i>Minneapolis employees retirement fund</i>	76,080	0

Sec. 3. [MEDICAL AND HOSPITAL COVERAGE FOR RETIRED PERA EMPLOYEES.]

The public employees retirement association shall provide identical medical and hospital coverage for all retired employees of the association, as distinguished from retired members, who retired before June 30, 1985.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to retirement; providing postretirement annuity or benefit increases for certain retired or disabled public employees; providing for a study of benefit adjustments; providing medical and hospital coverage for retired employees of the public employees retirement association; appropriating money."

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 418, A bill for an act relating to local government; excluding firefighters and peace officers from a political subdivisions job evaluation system; amending Minnesota Statutes 1984, sections 471.994; and 471.998, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 43A.05, is amended by adding a subdivision to read:

Subd. 7. [APPLICABILITY.] Sections 43A.01, subdivision 3, and 43A.05, subdivisions 5 and 6 do not apply to firefighter and peace officer job classes in state employment. An arbitrator in an interest arbitration pursuant to section 179A.16 shall not consider a study done pursuant to section 43A.05, subdivision 5 in reaching a decision on wages.

Sec. 2. [471.9999] [EXCLUSIONS.]

Sections 471.991 to 471.999 do not apply to a political subdivision's firefighter and peace officer job classes or to hospitals or nursing homes operated by political subdivisions.

Sec. 3. Laws 1984, chapter 456, section 1, is amended to read:

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; *except that, the study shall not include police officer job classes.*

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state and local government; excluding firefighters, peace officers, and certain hospitals and nursing homes from the government job evaluation systems; clarifying interest arbitration for firefighters and peace officers

in state employment; excluding police officers from the University of Minnesota job evaluation study; amending Minnesota Statutes 1984, section 43A.05, by adding a subdivision; and Laws 1984, chapter 456, section 1; proposing coding for new law in Minnesota Statutes, chapter 471."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 449, A bill for an act relating to attachments; providing procedures for the prejudgment seizure of property; amending Minnesota Statutes 1984, sections 570.01; 570.02; 570.08; 570.11; 570.12; and 570.14; repealing Minnesota Statutes 1984, sections 570.013; 570.03; 570.04; 570.05; 570.06; 570.07; 570.09; 570.093; and 570.13; proposing coding for new law in Minnesota Statutes, chapter 570.

Reported the same back with the following amendments:

Page 10, line 18, after "is" insert "not"

Page 11, line 9, delete "unless" and insert "or"

Page 11, line 10, after the period insert "*In establishing the amount of the bond, the court shall take into consideration the value of the property attached, the nature of the property attached, the methods of retention or storage of the property, the potential harm to the respondent or any party, and any other factor which the court deems appropriate.*"

Page 11, line 21, after "cash," insert "a letter of credit,"

Page 13, line 26, delete "reorder" and insert "recorder"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 476, A bill for an act relating to education; vocational; removing a restriction for awarding associate degrees; amending Minnesota Statutes 1984, section 136C.042, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 123.33, subdivision 14, is amended to read:

Subd. 14. (THE) A school board (OF ANY SCHOOL DISTRICT OF THIS STATE), *including a school board as defined in section 136C.02, subdivision 8*, by a two-thirds vote may become a member of (AN ASSOCIATION OF) a vocational (SCHOOLS) *association* and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid.

Sec. 2. Minnesota Statutes 1984, section 136C.04, subdivision 9, is amended to read:

Subd. 9. [LICENSURE.] The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. *The state board may adopt emergency licensure rules, according to sections 14.29 to 14.36, when necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist.*

Sec. 3. Minnesota Statutes 1984, section 136C.04, subdivision 12, is amended to read:

Subd. 12. [PROGRAMS.] The state board shall approve, disapprove, and coordinate programs. *The state board shall adopt policies that include at least minimum class sizes and placement ratios.* After consultation with affected school boards, the state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs:

(a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and

(b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

Sec. 4. Minnesota Statutes 1984, section 136C.042, subdivision 1, is amended to read:

Subdivision 1. [BOARD APPROVAL.] The state board may approve, disapprove, or modify a plan for awarding associate degrees at an area vocational technical institute. The (STATE BOARD SHALL APPROVE A) plan (ONLY WHEN AN ASSOCIATE DEGREE IS REQUIRED BY A LICENSING AUTHORITY AND IS OFFERED IN) *shall include cooperation with a collegiate institution unless cooperation is not practicable.* (THE STATE BOARD MAY APPROVE AN AREA VOCATIONAL TECHNICAL INSTITUTE PLAN FOR AWARDED AN ASSOCIATE DEGREE WHICH IS NOT OFFERED IN COOPERATION WITH A COLLEGIATE INSTITUTION ONLY IF COOPERATION IS NOT PRACTICABLE.) All associate degree plans approved by the state board shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

Sec. 5. Minnesota Statutes 1984, section 136C.26, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] (FOR THE 1983-1984 AND 1984-1985 SCHOOL YEARS,) For the purposes of sections 136C.26 to 136C.37, and 136C.41, the following terms have the meanings given them.

Sec. 6. Minnesota Statutes 1984, section 136C.28, subdivision 1, is amended to read:

Subdivision 1. [BUDGET SUBMISSION.] Before January 1 (, 1984,) each AVTI shall submit an instructional aid budget for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS.

Sec. 7. Minnesota Statutes 1984, section 136C.31, is amended to read:

136C.31 [DISTRIBUTION OF MONEY.]

Subdivision 1. [ALLOCATE BY LAW.] All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to districts in accordance with law.

Subd. 2. [NO CONTRACT APPROVAL.] State and federal aids and discretionary or entitlement grants distributed by the state board are not subject to chapter 16B or to the contract approval procedures of the commissioner of administration. The state board shall adopt internal procedures to administer and monitor aids and grants.

Sec. 8. [REVISOR REQUEST.]

The revisor of statutes is requested to change the heading of Minnesota Statutes, section 136C.26, to read "[VOCATIONAL AID DEFINITIONS]."

Sec. 9. [REPEALER.]

Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1, are repealed.

Sec. 10. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to education; increasing the hours for a person in a part-time vocational program to be exempt from licensure; requiring the state board of vocational technical education to adopt policies about minimum class size and placement ratios; exempting certain monetary distributions from certain contract procedures; amending Minnesota Statutes 1984, sections 123.33, subdivision 14; 136C.04, subdivisions 9 and 12; 136C.042, subdivision 1; 136C.26, subdivision 1; 136C.28, subdivision 1; and 136C.31; repealing Minnesota Statutes 1984, sections 125.055 and 136C.27, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 484, A bill for an act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5;

243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 499, A bill for an act relating to housing; regulating powers of the Minnesota housing finance agency; setting limits on loan authority, terms and amounts; providing for administrative changes in various loan programs; amending Minnesota Statutes 1984, sections 462A.03, subdivisions 13 and 14; 462A.05, subdivisions 11, 12, 14a, 15a, 23, and by adding subdivisions; 462A.07, subdivisions 14 and 15; 462A.08, subdivision 3; 462A.20, subdivision 3; 462A.21, subdivision 6, and by adding a subdivision; 462A.22, subdivision 1; and 462C.09, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 506, A bill for an act relating to state lands; conveying lands to the federal government for Voyageurs National Park; appropriating money; amending Minnesota Statutes 1984, section 84B.03, subdivision 4.

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 507, A bill for an act relating to Hennepin county; setting the form in which county board members' salaries must be stated; amending Laws 1982, chapter 577, section 14.

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; amending Minnesota Statutes 1984, section 473.556, subdivision 6.

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 571, A bill for an act relating to the legislature; establishing a commission to review metropolitan government; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [3.867] [LEGISLATIVE COMMISSION ON METROPOLITAN GOVERNANCE.]

Subdivision 1. [CREATION; PURPOSE.] The legislative commission on metropolitan governance is established to oversee regional governmental institutions, activities, and affairs in the metropolitan area defined in section 473.121.

Subd. 2. [DUTIES.] The primary responsibility of the commission is to provide regular and continuing legislative monitoring and oversight of the metropolitan agencies created by or under chapter 473. In fulfilling this responsibility the commission shall regularly review and evaluate:

(a) metropolitan financial affairs, including the budgets, annual financial reports, and short- and long-range financing plans of the metropolitan agencies;

(b) the internal management and operations of the metropolitan agencies;

(c) the efficiency and effectiveness of the services provided by the metropolitan agencies;

(d) the authority, functions, and structure of the metropolitan agencies and the relationships among the agencies and between the agencies and local governments.

Subd. 3. [OTHER POWERS.] *The commission may conduct hearings, studies, and investigations as it deems appropriate on matters within its jurisdiction. The commission may advise and make recommendations to assist the legislature in evaluating and formulating legislation.*

Subd. 4. [MEMBERS.] *The commission consists of five members of the house of representatives, three appointed by the speaker and two by the minority leader, and five members of the senate, three appointed by the majority leader and two by the minority leader. Members must serve on committees in their respective houses that have jurisdiction over matters of metropolitan governance. The members must be appointed within 30 days of the effective date of this section for terms lasting until June 30, 1987. Vacancies are filled, for the unexpired term, in the same manner as an original appointment.*

Subd. 5. [OFFICERS.] *The commission shall elect a chair and a vice-chair from among its members and may elect other officers it deems necessary. The term of the chair is one year and alternates between a member of the senate and a member of the house. The vice-chair must be a house member when the chair is a senate member and a senate member when the chair is a house member.*

Subd. 6. [STAFF.] *The commission shall use existing legislative staff offices for legal counsel, research, and secretarial and clerical assistance. The legislative audit commission, the state auditor, and other state and metropolitan agencies shall provide assistance and information when requested.*

Subd. 7. [EXPENSES; COMPENSATION.] *Members of the commission shall receive compensation and reimbursement for expenses as for other legislative work.*

Subd. 8. [TERMINATION.] *The commission is abolished on June 30, 1987.*

Sec. 2. [APPROPRIATION.]

The following amounts are appropriated from the general fund to the legislative coordinating commission for expenditure by the commission established by section 1: \$ for the fiscal year ending June 30, 1986, and \$ for the fiscal year ending June 30, 1987.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective June 1, 1985, or the day after final enactment, whichever is later."

Delete the title and insert:

"A bill for an act relating to the legislature; establishing a commission on metropolitan governance; providing a termination date; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 590, A bill for an act relating to legal services; repealing the sunset provision of the law providing for surcharges on civil filing fees; repealing Laws 1982, chapter 489, section 11.

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

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 618, A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

Reported the same back with the following amendments:

Page 2, after line 35, insert:

"If one or both of the adjoining landowners objects to town supervisors serving as fence viewers to determine the benefit each adjoining landowner will derive from a proposed partition fence, the county commissioners of the county shall be fence viewers under the same terms and conditions as specified in section 344.19. An adjoining landowner who objects to town supervisors serving as fence viewers must notify the supervisors and the county commissioners of the objection prior to the date on which the town supervisors examine the need for the proposed fence."

With the recommendation that when so amended the bill pass.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 619, A bill for an act relating to education; Minnesota Education Computing Corporation; removing some limits on its powers; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; and 119.05, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 17, after the period insert "*The board of directors may form wholly-owned subsidiaries. A subsidiary shall be under the management control of the MECC board of directors.*"

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

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 626, A bill for an act relating to energy; delaying the effective date of energy efficiency ratings for certain devices sold in Minnesota; amending Minnesota Statutes 1984, section 116J.19, subdivision 13.

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

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 636, A bill for an act relating to crimes; providing for forfeitures of communications devices and proceeds derived from commission of designated offenses; amending Minnesota Statutes 1984, section 609.531.

Reported the same back with the following amendments:

Page 6, line 6, after "(ii)" insert "sell"

Page 6, line 9, strike "may be sold"

Page 6, line 12, after "agency" insert "*with jurisdiction over the criminal offense or the agency*"

Page 6, line 13, after "proceedings" insert "*at the request of the prosecuting agency*"

Page 6, line 19, delete "(iii)" and insert "(3) *property which has been forfeited pursuant to this subdivision and which consists of*"

Page 6, line 19, delete "*which are*"

Page 6, line 20, after "*applied*" insert "*first, to payment of seizure, storage, and sale expenses and to satisfy valid liens against the property, and second,*"

Page 6, line 20, delete "*claims*" and insert "*court-ordered*"

Page 6, line 21, delete the first "*of*"

Page 6, after line 25, insert:

"Sec. 2. Minnesota Statutes 1984, section 152.19, subdivision 5, is amended to read:

Subd. 5. Property shall be forfeited after a conviction deemed to be a felony according to the following procedure:

(1) A separate complaint shall be filed against the property describing it, charging its use in the specified violation, and specifying the time and place of its unlawful use.

(2) If the person arrested is acquitted, the court shall dismiss the complaint against any property seized pursuant to the preceding subdivisions and order the property returned to the persons legally entitled to it.

(3) If after conviction the court finds that the property, or any part thereof, was used in any violation as specified in the complaint, it shall order that the property unlawfully used be sold, destroyed, or disposed of by the appropriate agency in the following manner:

(a) The appropriate agency and prosecuting agency that handled the forfeiture may retain the property for official use but shall not use any motor vehicle required to be registered pursuant to chapter 168A until title is properly transferred pursuant to chapter 168A;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Require the commissioner of administration to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the federal drug enforcement administration.

Any property retained pursuant to clause (3)(a) of this subdivision shall be used only in the performance of official duties of the appropriate agency, and shall not be used for any other purpose. All proceeds from property retained under clause (3)(a) of this subdivision which is later sold shall be disbursed as provided in clause (4) of this subdivision.

(4) One-third of the proceeds from the sale of forfeited property, after payment of seizure, storage, and sale expenses and satisfaction of valid liens against the property, shall be forwarded to the state drug abuse authority for distribution among licensed hospitals and licensed drug treatment facilities of this state for the care and treatment of patients with drug related physical and psychological disorders, and licensed drug analysis centers. The remaining two-thirds of net proceeds shall be shared equally between the (AGENCIES PROSECUTING THE FORFEITURE PROCEEDING AND) *prosecuting agency with jurisdiction over the criminal offense or the agency handling the forfeiture proceeding at the request of the prosecuting agency, and the agency investigating the offense involved in the forfeiture, except that if the forfeiture proceeding was prosecuted by a county attorney whose position is not full time as provided in section 388.21, the (PROSECUTOR'S) prosecuting agency's share of net proceeds shall be forwarded to the county board."*

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 152.19, subdivision 5; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 650, A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1984, sections 548.27; 548.30; 549.09; and 550.04.

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

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 654, A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, and selling cocaine, heroin, and hallucinogens; amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; and 609.582, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1a. [MANDATORY MINIMUM SENTENCE FOR SELLING COCAINE.] Notwithstanding the provisions of subdivision 1, clause (1) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling cocaine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than one year and one day, and not more than the maximum sentence provided by subdivision 1, clause (1).

Sec. 2. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1b. [MANDATORY MINIMUM SENTENCE FOR SELLING HEROIN.] Notwithstanding the provisions of subdivision 1, clause (1) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling heroin must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (1).

Sec. 3. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1c. [MANDATORY MINIMUM SENTENCE FOR SELLING HALLUCINOGENS OR PHENCYCLIDINE.] Notwithstanding the provisions of subdivision 1, clause (2) to the contrary, a person convicted of a first or subsequent violation of section 152.09, subdivision 1, clause (1) with respect to selling hallucinogens listed in section 152.02, subdivision 2, clause (3), or Minnesota Rules, part 6800.4210, item C, or phencyclidine must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 21 months, and not more than the maximum sentence provided by subdivision 1, clause (2).

Sec. 4. Minnesota Statutes 1984, section 152.15, is amended by adding a subdivision to read:

Subd. 1d. [NO EARLY RELEASE.] A defendant convicted and sentenced as required by subdivision 1a, 1b, or 1c is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by the subdivision under which he or she is sentenced, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by subdivision 1a, 1b, or 1c, notwithstanding the provisions of section 609.135.

Sec. 5. Minnesota Statutes 1984, section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.]

Subdivision 1. [SENTENCE.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 2. [AGGRAVATED ROBBERY OF PHARMACIES.] A person convicted of aggravated robbery in a building or portion of a building which contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than two years, and not more than the maximum sentence provided by subdivision 1.

Subd. 3. [NO EARLY RELEASE.] A defendant convicted and sentenced as required by subdivision 2 is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by subdivision 2, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12, and 609.135.

Sec. 6. Minnesota Statutes 1984, section 609.582, is amended by adding a subdivision to read:

Subd. 1a. [MANDATORY MINIMUM SENTENCE FOR BURGLARY OF OCCUPIED DWELLING.] A person convicted of committing burglary of an occupied dwelling, as defined in subdivision 1, clause (a), who has a prior conviction for burglary of an occupied dwelling under subdivision 1, clause (a) must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 26 months, and not more than the maximum sentence provided by subdivision 1.

A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by this subdivision, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by this subdivision, notwithstanding the provisions of section 609.135.

Sec. 7. Minnesota Statutes 1984, section 609.582, is amended by adding a subdivision to read:

Subd. 2a. [MANDATORY MINIMUM SENTENCE FOR CERTAIN BURGLARIES.] *A person convicted of committing residential burglary, as defined in subdivision 2, clause (a), who has two prior convictions for residential burglary under subdivision 2, clause (a) must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 27 months, and not more than the maximum sentence provided by subdivision 2.*

A person convicted of committing burglary, as defined in subdivision 2, clause (c), who has two prior convictions for burglary under subdivision 2, clause (c), must be committed to the commissioner of corrections for a mandatory minimum term of imprisonment of not less than 18 months, and not more than the maximum sentence provided by subdivision 2.

A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment as provided by this subdivision, notwithstanding the provisions of sections 242.19, 243.05, 244.04, and 609.12. A court may not stay imposition or execution of any mandatory minimum sentence required by this subdivision, notwithstanding the provisions of section 609.135.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective August 1, 1985, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens;

amending Minnesota Statutes 1984, sections 152.15, by adding subdivisions; 609.245; and 609.582, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 718, A bill for an act relating to environment; requiring the commissioner of health to monitor the quality of water in private water wells in the metropolitan area; amending Minnesota Statutes 1984, section 473.845, subdivision 2.

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

The report was adopted.

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

H. F. No. 725, A bill for an act relating to environment; providing for state grants for the construction of collector sewers in totally unsewered cities; amending Minnesota Statutes 1984, section 116.16, subdivision 2.

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 730, A bill for an act relating to petroleum products; setting standards for heating fuel, diesel fuel, and kerosene; providing testing authority for the weights and measures division of the department of public service; amending Minnesota Statutes 1984, sections 296.01, subdivision 4, and by adding subdivisions; and 296.05, subdivisions 2 and 4; repealing Minnesota Statutes 1984, section 296.05, subdivision 3a.

Reported the same back with the following amendments:

Page 1, line 25, before the period insert "*as amended through August 1, 1985*"

Page 2, line 7, before the period insert "*as amended through August 1, 1985*"

Page 2, line 16, before the period insert "*as amended through August 1, 1985*"

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 792, A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.08, subdivision 2; 136C.26; 136C.28, subdivisions 1 and 2; 136C.31; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.27, subdivision 1; 136C.28, subdivisions 3, 4, 5, 6, and 7; and 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 136.04, subdivision 15, is amended to read:

Subd. 15. [PUBLIC HEARINGS.] The state board shall conduct public hearings when merging or reorganizing institutions (AND WHEN ALLOCATING MONEY). Notice shall be given to affected persons in the manner determined by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a meeting held at least seven days after the public hearing.

Sec. 2. Minnesota Statutes 1984, section 136C.08, subdivision 2, is amended to read:

Subd. 2. Any fee established by the board pursuant to the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle. Parking fees collected shall be deposited in the general or (CAPITAL EXPENDITURE) *repair and betterment* fund of the school district or joint school district.

Sec. 3. Minnesota Statutes 1984, section 136C.26, subdivision 4, is amended to read:

Subd. 4. [COMPONENT ACTIVITIES.] "Component activities" means regular instruction, special needs instruction, *part-time instruction*, research, instructional administration, media/library, pupil personnel services, health services, director's office, instructional services, fixed costs, work (STUDY/FINANCIAL) *study, financial aid*, physical plant, and repair and betterment.

Sec. 4. Minnesota Statutes 1984, section 136C.26, subdivision 5, is amended to read:

Subd. 5. [INSTRUCTIONAL AID.] "Instructional aid" means state money, exclusive of (REPAIR AND BETTERMENT AID AND) debt service aid, allocated by the state board of vocational technical education to districts for post-secondary *and part-time* vocational technical education instructional costs.

Sec. 5. Minnesota Statutes 1984, section 136C.28, subdivision 2, is amended to read:

Subd. 2. [RECOMMENDED ALLOCATIONS.] After reviewing each budget, the state director (OF VOCATIONAL TECHNICAL EDUCATION) shall recommend aid allocations *to the state board* for the following fiscal year (IN EACH EXPENDITURE CATEGORY FOR EACH PROGRAM AND COMPONENT ACTIVITY).

The state director shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction.

(NOTWITHSTANDING ANY LAWS OR RULES TO THE CONTRARY, THE RECOMMENDATIONS FOR ALLOCATIONS OF INSTRUCTIONAL AID, TO THE EXTENT POSSIBLE, SHALL BE BASED ON AVERAGE SYSTEMWIDE ADM TO TEACHER RATIOS OF 12 TO 1 FOR HEALTH PROGRAMS AND 17 TO 1 FOR NONHEALTH PROGRAMS.)

(THE ANNUAL STUDENT PLACEMENT RATE OF EACH PROGRAM SHALL BE TAKEN INTO CONSIDERATION BY THE DEPARTMENT IN RECOMMENDING INSTRUCTIONAL AID ALLOCATIONS.)

Each AVTI's tuition revenues in the fiscal year for which aid is allocated shall be taken into consideration by the department in recommending instructional aid allocations.

Each AVTI's unappropriated (CAPITAL) balance of the equipment (ACCOUNT IN THE CAPITAL) expenditure fund, as of June 30 of the fiscal year during which allocations are

made, shall be taken into consideration by the state director in recommending instructional aid allocations for the purposes listed in section 136C.29, subdivision 3, clauses (a), (b), (c), and (d). In recommending instructional aid allocations for all other purposes, the department shall take into consideration each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds ten percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made.

(EACH AVTI'S ACTUAL EXPENDITURES WHICH EXCEED THE AMOUNTS ORIGINALLY BUDGETED FOR EXPENDITURE DURING THE FOURTH QUARTER OF THE FISCAL YEAR IN WHICH AIDS ARE ALLOCATED SHALL BE TAKEN INTO CONSIDERATION BY THE STATE DIRECTOR IN RECOMMENDING INSTRUCTIONAL AID ALLOCATIONS.)

(ALLOCATIONS OF REPAIR AND BETTERMENT AID SHALL BE RECOMMENDED FOR EACH PROJECT PROPOSED BY AN AVTI.) In recommending repair and betterment aid allocations, the state director shall take into consideration each AVTI's net positive unappropriated (CAPITAL) balance of the repair and betterment (ACCOUNT OF THE CAPITAL EXPENDITURE) fund, as of June 30 of the fiscal year during which allocations are made. *The recommendations must follow procedures for aid allocations set by the state board.*

Sec. 6. Minnesota Statutes 1984, section 136C.33, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] Membership for pupils in AVTI's shall mean the number of pupils on the current roll of the school, counted from the date of entry until the date of withdrawal, *according to policies adopted by the state board.*

Sec. 7. Minnesota Statutes 1984, section 136C.34, is amended to read:

136C.34 [ABSENCE FOR CHEMICAL ABUSE TREATMENT.]

If a pupil is absent from an AVTI to participate in a chemical abuse treatment program licensed by the state, the pupil may request the AVTI to remain on the roll in the educational program in which the pupil is enrolled, *according to policies adopted by the state board.* The AVTI shall grant a request it receives from the pupil.

Sec. 8. [136C.361] [100 PERCENT PAYMENT.]

Subdivision 1. *Notwithstanding any law to the contrary, the final adjustment paid to each district for the 1984-1985 school*

year according to section 136C.36 shall be paid on or before June 30 of the fiscal year of entitlement.

Subd. 2. For the 1985-1986 school year, and later school years, 100 percent of the estimated post-secondary vocational instructional aid entitlement for each district shall be paid during the fiscal year of entitlement in 24 uniform payments on the first business day before the 15th of each month and the first business day before the last day of each month.

Sec. 9. [REPEALERS.]

Subdivision 1. Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.28, subdivisions 3, 4, 5, 6, and 7; 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38, are repealed.

Subd. 2. Minnesota Statutes 1984, section 136C.36, is repealed.

Sec. 10. [EFFECTIVE DATE.]

This act, except for section 8, subdivision 1, is effective July 1, 1985. Section 8, subdivision 1, is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to vocational technical education; allowing some budget, allocation, aid, and grant procedures to be set by state board policy; correcting and eliminating definitions; changing a fund for the deposit of parking fees; amending Minnesota Statutes 1984, sections 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; and 136C.34; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1984, sections 136C.26, subdivisions 2 and 8; 136C.28, subdivisions 3, 4, 5, 6, and 7; 136C.33, subdivisions 3 and 4; 136C.36; 136C.37; and 136C.38."

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 812, A bill for an act relating to local government; extending deadlines for reporting on and complying with laws

requiring equitable compensation relationships; amending Minnesota Statutes 1984, sections 471.992; 471.996; 471.997; 471.9975; 471.998, subdivision 1; and 471.999.

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

The report was adopted.

Heap from the Committee on Labor-Management Relations to which was referred:

H. F. No. 847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE 1

UNEMPLOYMENT COMPENSATION

Section 1. Minnesota Statutes 1984, section 268.03, is amended to read:

268.03 [DECLARATION OF PUBLIC POLICY.]

As a guide to the interpretation and application of sections 268.03 to 268.24, the public policy of this state is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of this state. Involuntary unemployment is therefore a subject of

general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this state will be promoted by providing, under the police powers of the state for the (COMPULSORY SETTING ASIDE OF UNEMPLOYMENT RESERVES TO BE USED FOR THE BENEFIT OF PERSONS UNEMPLOYED THROUGH NO FAULT OF THEIR OWN) *establishment of an unemployment insurance fund. The reserves of the unemployment insurance fund are to be used to provide a temporary replacement of a portion of lost wages to individuals with a permanent attachment to the work force, who become involuntarily unemployed through no fault of their own, and who are actively seeking, and are willing and available to accept, suitable reemployment.*

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 25, is amended to read:

Subd. 25. [WAGES.] "Wages" means all remuneration for services, including commissions and bonuses, back pay as of the date of payment, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(a) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds, for each calendar year, (THE GREATER OF \$7,000 OR THAT PART OF THE REMUNERATION WHICH EXCEEDS 60 PERCENT OF THE AVERAGE ANNUAL WAGE ROUNDED TO THE NEAREST \$100 COMPUTED IN ACCORDANCE WITH THE PROVISIONS OF CLAUSE (F)) \$10,300 for the calendar year 1985; \$10,900 for the calendar year 1986; and \$11,400 for the calendar year 1987 and all calendar years thereafter, paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the Federal Unemployment Tax Act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the Federal Unemployment Tax Act. For the pur-

poses of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(b) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (1) retirement or (2) sickness or accident disability or (3) medical and hospitalization expenses in connection with sickness or accident disability, or (4) death, provided the employee has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(c) The payment by an employer (without deduction from the remuneration of the employee) (1) of the tax imposed upon an employee under section 3101 of the federal Internal Revenue Code, or (2) of any payment required from an employee under a state unemployment compensation law, with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(d) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(e) Any payment made to, or on behalf of, an employee or his beneficiary (1) from or to a trust described in section 401(a) of the federal Internal Revenue Code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (2) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal Internal Revenue Code, or (3) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal Internal Revenue Code (;

((F) ON OR BEFORE JULY 1 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE ANNUAL WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((1) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((2) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

(THE AVERAGE ANNUAL WAGE DETERMINED SHALL BE EFFECTIVE FOR THE CALENDAR YEAR NEXT SUCCEEDING THE DETERMINATION).

Sec. 3. Minnesota Statutes 1984, section 268.04, subdivision 29, is amended to read:

Subd. 29. "Credit week" is any week for which wages or back pay, actually or constructively paid, wages overdue and delayed beyond the usual time of payment, and back pay by or from one or more employers to an employee for insured work equal or exceed 30 (PERCENT OF THE AVERAGE WEEKLY WAGE) *times the adult minimum wage in effect under section 177.24, subdivision 1, on December 31 of the year two years before the year in which the claim is made. The product shall be computed to the nearest whole dollar.* (ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT;)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE; AND)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE AVERAGE WEEKLY WAGE AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO DECEMBER 31 OF THE YEAR OF THE COMPUTATION.)

Sec. 4. Minnesota Statutes 1984, section 268.06, subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.] Benefits paid to an individual pursuant to a valid claim shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who earned base period wages for part-time employment shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer if the employer: (1) provided weekly base period part-time employment; (2) continues to provide weekly employment equal to at least 90 percent of the part-time employment provided in the base period; and (3) is an interested party because of the individual's loss of other employment.

For the purpose of this subdivision, an employer is deemed to satisfy clause (2) if:

(a) the weekly employment in the base period was on an on call as needed basis; and

(b) the employer continues to employ the individual on the same basis and provides employment substantially equal to the employment provided in the base period.

The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 (42 United States Code 5122(2)), if the unemployed individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For each calendar year the commissioner shall determine the contribution rate of each employer by adding the min-

imum rate to the experience ratio (, EXCEPT THAT IF THE RATIO FOR THE CURRENT CALENDAR YEAR INCREASES OR DECREASES THE EXPERIENCE RATIO FOR THE PRECEDING CALENDAR YEAR BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, THE INCREASE OR DECREASE FOR THE CURRENT YEAR SHALL BE LIMITED TO ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER. "SMALL BUSINESS EMPLOYER" FOR THE PURPOSE OF THIS SUBDIVISION MEANS AN EMPLOYER WITH AN ANNUAL COVERED PAYROLL OF \$250,000 OR LESS, OR FEWER THAN 20 EMPLOYEES IN THREE OF THE FOUR QUARTERS ENDING JUNE 30, OF THE PREVIOUS CALENDAR YEAR).

The minimum rate for all employers shall be one percent if the amount in the unemployment compensation fund is less than \$80,000,000 on June 30 of the preceding calendar year; or nine-tenths of one percent if the fund is more than \$80,000,000 but less than \$90,000,000; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that no employer shall have a contribution rate of more than 7.5 percent.

For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. (NO EMPLOYER FIRST ASSIGNED AN EXPERIENCE RATIO IN ACCORDANCE WITH SUBDIVISION 6, SHALL HAVE HIS CONTRIBUTION RATE INCREASED OR DECREASED BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER OVER THE CONTRIBUTION RATE ASSIGNED FOR THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH SUBDIVISION 3A, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER.)

Sec. 6. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned (15) 20, or more, credit weeks within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to (60) one percent of the (FIRST \$85, 40 PERCENT OF THE NEXT \$85 AND 50 PERCENT OF THE REMAINDER OF THE AVERAGE WEEKLY WAGE OF SUCH INDIVIDUAL) *individual's total base period wage credits*. The amount so computed if not a whole dollar shall be rounded down to the next lower dollar amount. (THE MAXIMUM WEEKLY BENEFIT AMOUNT OF CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JULY 1, 1979 SHALL BE 66-2/3 PERCENT OF THE AVERAGE WEEKLY WAGE, EXCEPT AS PROVIDED IN CLAUSE (D).)

(ON OR BEFORE JUNE 30 OF EACH YEAR THE COMMISSIONER SHALL DETERMINE THE AVERAGE WEEKLY WAGE PAID BY EMPLOYERS SUBJECT TO SECTIONS 268.03 TO 268.24 IN THE FOLLOWING MANNER:)

((A) THE SUM OF THE TOTAL MONTHLY EMPLOYMENT REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY 12 TO DETERMINE THE AVERAGE MONTHLY EMPLOYMENT.)

((B) THE SUM OF THE TOTAL WAGES REPORTED FOR THE PREVIOUS CALENDAR YEAR SHALL BE DIVIDED BY THE AVERAGE MONTHLY EMPLOYMENT TO DETERMINE THE AVERAGE ANNUAL WAGE.)

((C) THE AVERAGE ANNUAL WAGE SHALL BE DIVIDED BY 52 TO DETERMINE THE AVERAGE WEEKLY WAGE.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT AS SO DETERMINED COMPUTED TO THE NEAREST WHOLE DOLLAR SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR WHICH BEGINS SUBSEQUENT TO JUNE 30 OF EACH YEAR.)

((D) THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1982, AND PRIOR TO JULY 1, 1983, SHALL BE \$184.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983, AND PRIOR TO JULY 1, 1984, SHALL BE \$191.)

The minimum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, shall be \$56.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1984, and prior to July 1, 1985, shall be \$198.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1985, and prior to July 1, 1986, shall be \$200.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1986, and prior to July 1, 1987, shall be \$208.

The maximum weekly benefit amount for claims for benefits which establish a benefit year subsequent to June 30, 1987, shall be \$216.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) (70) $66\frac{2}{3}$ percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.

(4) The provisions of clauses (1) and (2) shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1983.

Sec. 7. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [(EXCEPTION) SEASONALITY EXCEPTIONS.] Notwithstanding the provisions of subdivision 2, the following seasonality exceptions shall apply:

(a) If the commissioner finds that an individual has earned credit weeks in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned (15) 20 credit weeks in employment which is not seasonal, in addition to any credit weeks in seasonal employment. For the purposes of this (SUBDIVISION) clause, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for (15) 20 consecutive weeks or less each calendar year.

(b) If the commissioner finds that an individual has been paid for weeks of regular unemployment compensation benefits in the same calendar quarter in the previous two years: (1) regular benefits shall not be payable to that individual during that same calendar quarter for a number of weeks equal to the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years; and (2) the individual's duration of regular benefits shall be reduced by the mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years or the number of weeks left in the calendar quarter, whichever is less. The mean number of weeks the individual received regular benefits during that calendar quarter in the previous two years shall be computed by taking the total number of weeks the individual received regular benefits during that calendar quarter in the previous two years, dividing by two, and rounding up to the nearest whole number of weeks. For the purposes of this clause, the calendar quarter shall be based on calendar weeks with a 53rd calendar week periodically to adjust for leap year and deviation of the calendar weeks from the calendar year.

Sec. 8. [268.073] [STATE EXTENDED BENEFITS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "State insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

(b) "County insured unemployment rate" means the percentage derived by dividing the average weekly number of individuals, who reside in the given Minnesota county, filing claims for regular benefits in this state under chapter 268 for weeks of unemployment with respect to the most recent 13 consecutive week period, as determined by the commissioner on the basis of

his or her reports to the United States Secretary of Labor, by the average monthly employment covered under this law, in the county, for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

Subd. 2. [ELIGIBILITY AND AMOUNT.] In addition to all other benefits under this chapter, an individual shall be eligible for up to four weeks of state extended benefits if:

(1) the individual has exhausted his or her regular benefits under section 268.07 and the individual has exhausted or is not eligible for federal extended benefits, federal supplemental benefits, or any other unemployment compensation benefits under federal or other state law;

(2) the individual resides in a county which has had within the eight-week period preceding the current calendar week, a county insured unemployment rate equal to twice the state insured unemployment rate; and

(3) the individual would be eligible for regular benefits under this chapter during the week in which he or she receives state extended benefits except that the individual has exhausted his or her regular benefits.

State extended benefits for a week shall be equal to the individual's regular benefit amount under section 268.07.

Sec. 9. Minnesota Statutes 1984, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in accordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt; and

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable

to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended;

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in the base period were for services performed during weeks in which the student was attending school as a full-time student.

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty.

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. (HOWEVER, PAYMENT FOR THE WAITING WEEK SHALL BE MADE TO THE INDIVIDUAL AFTER THE INDIVIDUAL HAS QUALIFIED FOR AND BEEN PAID BENEFITS FOR FOUR WEEKS OF UNEMPLOYMENT IN A BENEFIT YEAR WHICH PERIOD OF UNEMPLOYMENT IS TERMINATED BECAUSE OF THE INDIVIDUAL'S RETURN TO EMPLOYMENT.) No individual is required to serve a waiting period of more than one week within the one year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 10. Minnesota Statutes 1984, section 268.08, subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period immediately following the last day of work (BUT NOT TO EXCEED 28 CALENDAR DAYS); or

(2) vacation allowance paid directly by the employer for a period of requested vacation, including vacation periods assigned

by the employer under the provisions of a collective bargaining agreement, or uniform vacation shutdown; or

(3) compensation for loss of wages under the workers' compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer except that this does not apply to an individual who is receiving temporary partial compensation pursuant to section 176.101, subdivision 3k; or

(4) 50 percent of the pension payments from any fund, annuity or insurance maintained or contributed to by a base period employer including the armed forces of the United States if the employee contributed to the fund, annuity or insurance and all of the pension payments if the employee did not contribute to the fund, annuity or insurance; or

(5) 50 percent of a primary insurance benefit under title II of the Social Security Act as amended, or similar old age benefits under any act of congress or this state or any other state.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply. If the computation of reduced benefits, required by this subdivision, is not a whole dollar amount, it shall be rounded down to the next lower dollar amount.

Sec. 11. Minnesota Statutes 1984, section 268.09, subdivision 1, is amended to read:

Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual separated from employment under clauses (1), (2), or (3) shall be disqualified for waiting week credit and benefits. For separations under clauses (1) and (2), the disqualification shall continue until (FOUR) *ten* calendar weeks have elapsed following his separation and the individual has earned (FOUR) *ten* times his weekly benefit amount in insured work.

(1) [VOLUNTARY LEAVE.] The individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer. For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment or based solely on a provision in a collective bargaining agreement by which an individual has vested discretionary authority in another to act in behalf of the individual shall not be deemed voluntary.

A separation shall be for good cause attributable to the employer if it occurs as a consequence of sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when: (1) the employee's submission to such conduct or communication is made a term or condition of the employment, (2) the employee's submission to or rejection of such conduct or communication is the basis for decisions affecting employment, or (3) such conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

(2) [DISCHARGE FOR MISCONDUCT.] The individual was discharged for misconduct, not amounting to gross misconduct connected with his work or for misconduct which interferes with and adversely affects his employment.

An individual shall not be disqualified under clauses (1) and (2) of this subdivision under any of the following conditions:

(a) The individual voluntarily discontinued his employment to accept work offering substantially better conditions of work or substantially higher wages or both;

(b) The individual is separated from employment due to his own serious illness provided that such individual has made reasonable efforts to retain his employment;

An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or for which he has voluntarily submitted to treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.

(c) The individual accepts work from a base period employer which involves a change in his location of work so that said work would not have been deemed to be suitable work under the provisions of subdivision 2 and within a period of 13 weeks from the commencement of said work voluntarily discontinues his employment due to reasons which would have caused the work to be unsuitable under the provision of said subdivision 2;

(d) The individual left employment because he had reached mandatory retirement age and was 65 years of age or older;

(e) The individual is terminated by his employer because he gave notice of intention to terminate employment within 30 days.

This exception shall be effective only through the calendar week which includes the date of intended termination, provided that this exception shall not result in the payment of benefits for any week for which he receives his normal wage or salary which is equal to or greater than his weekly benefit amount;

(f) The individual is separated from employment due to the completion of an apprenticeship program, or segment thereof, approved pursuant to chapter 178;

(g) The individual voluntarily leaves part-time employment with a base period employer while continuing full-time employment if the individual attempted to return to part-time employment after being separated from the full-time employment, and if substantially the same part-time employment with the base period employer was not available for the individual.

(3) [DISCHARGE FOR GROSS MISCONDUCT.] The individual was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment. For a separation under this clause, the commissioner shall impose a total disqualification for the benefit year and cancel all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work.

For the purpose of this clause "gross misconduct" is defined as misconduct involving assault and battery or the malicious destruction of property or arson or sabotage or embezzlement or any other act, including theft, the commission of which amounts to a felony or gross misdemeanor. For an employee of a health care facility, gross misconduct also includes misconduct involving an act of patient or resident abuse as defined in section 626.557, subdivision 2, clause (d).

If an individual is convicted of a felony or gross misdemeanor for the same act or acts of misconduct for which the individual was discharged, the misconduct is conclusively presumed to be gross misconduct if it was connected with his work.

(4) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses, excepting clauses (2)(c) and (2)(e), shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated.

Benefits paid subsequent to an individual's failure, without good cause, to accept an offer of suitable re-employment shall not be used as a factor in determining the future contribution rate of the employer whose offer of re-employment he failed to accept or whose offer of re-employment was refused solely due to the dis-

tance of the available work from his residence, the individual's own serious illness or his other employment at the time of the offer.

(5) An individual who was employed by an employer shall not be disqualified for benefits under this subdivision for any acts or omissions occurring after his separation from employment with the employer.

(6) [DISCIPLINARY SUSPENSIONS.] An individual shall be disqualified for waiting week credit and benefits for the duration of any disciplinary suspension of 30 days or less resulting from his own misconduct. Disciplinary suspensions of more than 30 days shall constitute a discharge from employment.

Sec. 12. Minnesota Statutes 1984, section 268.09, subdivision 2, is amended to read:

Subd. 2. [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK OR RE-EMPLOYMENT.] An individual shall be disqualified for waiting week credit and benefits during the week of occurrence and until (FOUR) *ten* calendar weeks have elapsed following his refusal or failure and he has earned (FOUR) *ten* times his weekly benefit amount in insured work if the commissioner finds that he has failed, without good cause, either to apply for available, suitable work of which he was advised by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to accept a base period employer's offer of re-employment offering substantially the same or better hourly wages and conditions of work as were previously provided by that employer in his base period.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, (AND) the distance of the available work from his residence, *and how the work's wage compares with the wage the individual received at his previous employment. With respect to the work's wage, the work shall be deemed suitable if the work is otherwise suitable and the work's wage is at least: 85 percent of the individual's former wage when the individual has not received more than six weeks of benefits during his or her current period of unemployment; 75 percent of the individual's former wage when the individual has received more than six weeks of benefits, but not more than 14 weeks during his or her current period of unemployment; and 65 percent of the individual's former wage when the individual has received more than 14 weeks of benefits during his or her current period of unemployment.*

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if the individual is in training with the approval of the commissioner.

Sec. 13. [EFFECTIVE DATE.]

Section 8 of this article is effective October 1, 1985. Clause (b) of section 7 of this article shall apply to claims made on or after July 1, 1987.

Sec. 14. [REPEALER.]

Minnesota Statutes 1984, section 268.04, subdivision 30, is repealed.

ARTICLE 2

TRANSFER OF AUTHORITY TO OFFICE OF ADMINISTRATIVE HEARINGS

Section 1. [TRANSFER FROM DEPARTMENT OF ECONOMIC SECURITY.]

Subdivision 1. [PURPOSE.] It is the purpose and intent of this article to transfer all unemployment compensation hearing responsibilities and related functions except for appeal hearings before the commissioner or his or her authorized representative from the department of economic security to the office of administrative hearings.

Subd. 2. [PERSONNEL; EQUIPMENT.] All unemployment compensation referees at the department of economic security are transferred to the office of administrative hearings. Notwithstanding any laws to the contrary, all unemployment

compensation referees employed by the department of economic security at the time of this transfer are deemed to meet all requirements to be eligible for appointment as administrative law judges under the laws of this state, and shall be appointed as such on transfer. All personnel at the department of economic security presently providing support to the hearing related functions transferred pursuant to this article, including those involved in the scheduling of hearings, processing, and mailing of hearing notices, preparation and serving of referees' decisions or correspondence, travel coordination, accounting, answering of telephones, and preparation of transcripts are transferred to the office of administrative hearings.

All equipment and supplies used solely by the transferred personnel in the performance of their duties are transferred to the office of administrative hearings.

Subd. 3. [COOPERATION.] Commencing with the passage and signing of this act, the commissioner, the commissioners of administration, finance, and employee relations and the chief administrative law judge shall cooperate in assuring a smooth transfer of the referees and related personnel and equipment in order to carry out the purposes of this article. The commissioner shall provide office space at the department of economic security for the chief administrative law judge to use prior to the transfer in order to complete a review of the existing hearing system and personnel prior to the effective date of the transfer. The commissioner of administration, after consultation with the commissioner of economic security, the commissioner of finance, and the chief administrative law judge, shall determine the appropriate location of office space for the transferred personnel. The commissioner shall continue to provide space for the conduct of hearings in the same facilities and locations which are presently utilized for that purpose.

Subd. 4. [RULES.] The chief administrative law judge may make emergency rules for the purpose of adopting procedural rules for unemployment compensation hearings. The rules shall not conflict with any provisions of chapter 268 and shall comply with any applicable federal laws, rules, or regulations.

Subd. 5. [TIMELINESS.] To satisfy United States Department of Labor funding requirements the office of administrative hearings shall meet or exceed timeliness standards under federal regulation in the conduct of unemployment compensation hearings.

Sec. 2. Minnesota Statutes 1984, section 14.03, subdivision 2, is amended to read:

Subd. 2. [CONTESTED CASE PROCEDURE.] The contested case procedures of the administrative procedure act provided in sections 14.57 to 14.70 do not apply to (a) the Minnesota

municipal board, (b) the commissioner of corrections, (c) the unemployment insurance program, *except for those hearings held by an administrative law judge of the office of administrative hearings*, and the social security disability determination program in the department of economic security, (d) the director of mediation services, (e) the workers' compensation division in the department of labor and industry, (f) the workers' compensation court of appeals, (g) the board of pardons, or (h) the public employment relations board.

Sec. 3. Minnesota Statutes 1984, section 14.51, is amended to read:

14.51 [PROCEDURAL RULES FOR HEARINGS.]

The chief administrative law judge shall adopt rules to govern the procedural conduct of all hearings, relating to both rule adoption, amendment, suspension or repeal hearings, contested case hearings, (AND) workers' compensation hearings, *and unemployment compensation hearings*. (TEMPORARY) *Emergency* rulemaking authority is granted to the chief administrative law judge for the purpose of (IMPLEMENTING LAWS 1981, CHAPTER 346, SECTIONS 2 TO 6, 103 TO 122, 127 TO 135, AND 141) *the adoption of procedural rules for unemployment compensation hearings*. The procedural rules for hearings shall be binding upon all agencies and shall supersede any other agency procedural rules with which they may be in conflict. The procedural rules for hearings shall include in addition to normal procedural matters provisions relating to recessing and reconvening new hearings when the proposed final rule of an agency is substantially different from that which was proposed at the public hearing. The procedural rules shall establish a procedure whereby the proposed final rule of an agency shall be reviewed by the chief administrative law judge to determine whether or not a new hearing is required because of substantial changes or failure of the agency to meet the requirements of sections 14.13 to 14.18. Upon his own initiative or upon written request of an interested party, the chief administrative law judge may issue a subpoena for the attendance of a witness or the production of books, papers, records or other documents as are material to the matter being heard. The subpoenas shall be enforceable through the district court in the district in which the subpoena is issued.

Sec. 4. Minnesota Statutes 1984, section 14.53, is amended to read:

14.53 [COSTS ASSESSED.]

In consultation with the commissioner of administration the chief administrative law judge shall assess agencies the cost of services rendered to them in the conduct of hearings. All agencies shall include in their budgets provisions for such assessments. *The chief administrative law judge shall assess all costs*

associated with unemployment compensation hearings to the department of economic security, but shall be limited to funds provided to the department for such purposes by the federal government.

Sec. 5. Minnesota Statutes 1984, section 268.06, subdivision 18, is amended to read:

Subd. 18. [NOTICE TO EMPLOYER.] The commissioner shall at least twice each year notify each employer of the benefits as determined by the department which have been charged to his account subsequent to the last notice. Unless reviewed in the manner hereinafter provided, charges set forth in such notice, or as modified by a redetermination, a decision of (A REFEREE) *an administrative law judge*, or the commissioner, shall be final and shall be used in determining the contribution rates for all years in which the charges occur within the employer's experience period and shall not be subject to collateral attack by way of review of a rate determination, application for adjustment or refund, or otherwise.

Sec. 6. Minnesota Statutes 1984, section 268.06, subdivision 19, is amended to read:

Subd. 19. [NOTICE OF RATE.] The commissioner shall mail to each employer notice of his rate of contributions as determined for any calendar year pursuant to this section. Such notice shall contain the contribution rate, factors used in determining the individual employer's experience rating, and such other information as the commissioner may prescribe. Unless reviewed in the manner hereinafter provided, the rate as determined or as modified by a redetermination, a decision of (A REFEREE) *an administrative law judge*, or the commissioner shall be final except for fraud and shall be the rate upon which contributions shall be computed for the calendar year for which such rate was determined, and shall not be subject to collateral attack for any errors, clerical or otherwise, whether by way of claim for adjustment or refund, or otherwise. If the legislature changes any of the factors used to determine the contribution rate of any employer for any year subsequent to the original mailing of such notice for the year, the earlier notice shall be void. The notice based on the new factors shall be deemed to be the only notice of rate of contributions for that year and shall be subject to the same finality, redetermination and review procedures as provided above.

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 20, is amended to read:

Subd. 20. [PROTEST, REVIEW, REDETERMINATION, APPEAL.] A review of the charges made to an employer's account as set forth in the notice of charges referred to in subdivision 18 and a review of an employer's contribution rate as

set forth in the notice of his rate for any calendar year as provided in subdivision 19, may be had by the employer if he files with the commissioner a written protest setting forth his reasons therefor within 30 days from the date of the mailing of the notice of charges or contribution rate to him. The date shall appear on the notice. Upon receipt of the protest, the commissioner shall refer the matter to an official designated by him to review the charges appearing on the notice appealed from or the computations of the protesting employer's rate, as the case may be, to determine whether or not there has been any clerical error or error in computation in either case. The official shall either affirm or make a redetermination rectifying the charges or rate as the case may be, and a notice of the affirmation or redetermination shall immediately be mailed to the employer. If the employer is not satisfied with the affirmation or redetermination, he may appeal by filing a notice with the department within ten days after the date of mailing appearing upon the redetermination. Upon the receipt of the appeal, the commissioner shall refer the matter to (A REFEREE) *the office of administrative hearings* for a hearing and after opportunity for a fair hearing, the (REFEREE) *administrative law judge* shall affirm, modify or set aside the original determination with its affirmation or the redetermination, as appears just and proper. The commissioner may at any time upon his own motion correct any clerical error of the department resulting in charges against an employer's account or any error in the computation of an employer's contribution rate. The (REFEREE) *administrative law judge* may order the consolidation of two or more appeals whenever, in his judgment, consolidation will not be prejudicial to any interested party. At any hearing a written report of any employee of the department which has been authenticated shall be admissible in evidence. Appeals from the decision of the (REFEREE) *administrative law judge* shall be provided by section 268.10, subdivision 5.

Sec. 8. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. If within the time limits for filing a protest an employer notifies the department that an individual's weekly benefit amount as determined under section 268.07 exceeds the individual's weekly wages earned with the employer,

the individual's weekly benefit amount shall be the lesser of (1) the weekly benefit amount as determined under section 268.07, or (2) the weekly benefit amount which is 50 percent of the quotient derived by dividing the total wage credits earned in the individual's base period credit weeks from all employers in insured work by the number of base period credit weeks. If within the time specified for the filing of wage and separation information as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an (APPEAL TRIBUNAL) *administrative law judge* decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an (APPEAL TRIBUNAL) *administrative law judge* decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an (APPEAL) *administrative law judge* decision awarding benefits, any benefits paid under the award of such initial determination or (APPEAL TRIBUNAL) *administrative law judge* decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the mean-

ing of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to (A REFEREE) *the office of administrative hearings* for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the (TRIBUNAL) *administrative law judge* from an initial determination.

(6) If (A REFEREE'S) *an administrative law judge's* decision affirms an initial determination awarding benefits or the commissioner affirms an (APPEAL TRIBUNAL) *administrative law judge* decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in determining any individual employer's future contribution rate under section 268.06.

Sec. 9. Minnesota Statutes 1984, section 268.10, subdivision 3, is amended to read:

Subd. 3. [APPEAL; HEARING.] *Upon receipt of an appeal from an initial determination made under subdivision 2, the commissioner shall immediately forward the appeal and all necessary documents to the chief administrative law judge for assignment of an administrative law judge to hear the case and the scheduling of a date, time, and place for the hearing. Unless an appeal is withdrawn, the date for hearing before (A REFEREE) an administrative law judge shall be set and notice of the hearing shall be mailed to the last known address of all interested parties at least ten days prior to the date set for the hearing. The notice shall be mailed by the office of administrative hearings. The hearing may be conducted by means of a conference telephone call except that the appellant may request that the hearing be conducted in person. The hearing shall be a trial de novo, and, upon the evidence presented, the (REFEREE) administrative law judge shall affirm, modify, or set aside the initial determination. Where the same or substantially*

similar evidence is relevant and material to the issues in appeals by more than one individual or in appeals by one individual with respect to two or more weeks of unemployment, the appeals may be consolidated into one hearing *pursuant to the procedural rules adopted by the chief hearing examiner*. The (REFEREE) *administrative law judge* shall exclude from any consolidated hearing the appeal of an individual who may be prejudiced because of the consolidation. (A REFEREE) *An administrative law judge* shall not hear any appeal in which the (REFEREE) *administrative law judge* has a direct interest. The parties and the commissioner shall be notified of the (REFEREE'S) *administrative law judge's* decision and the reason for it. The (REFEREE'S) *administrative law judge's* decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.

Sec. 10. Minnesota Statutes 1984, section 268.10, subdivision 4, is amended to read:

Subd. 4. [(REFEREES) *TRANSCRIPTS; REVIEW OF DECISIONS.*] (IN ORDER TO ASSURE THE PROMPT DISPOSITION OF ALL CLAIMS FOR BENEFITS, THE COMMISSIONER SHALL APPOINT ONE OR MORE IMPARTIAL REFEREES. THE COMMISSIONER SHALL BY RULE ADOPT A PROCEDURE BY WHICH REFEREES HEAR AND DECIDE DISPUTED CLAIMS. SUBJECT TO APPEAL TO THE COMMISSIONER. NO PERSON SHALL PARTICIPATE ON BEHALF OF THE COMMISSIONER IN ANY CASE IN WHICH THAT PERSON IS AN INTERESTED PARTY. THE COMMISSIONER MAY DESIGNATE ALTERNATES TO SERVE IN THE ABSENCE OR DISQUALIFICATION OF A REFEREE) *The office of administrative hearings shall cause a transcript to be prepared of all cases heard by an administrative law judge from which an appeal is made to the commissioner, or in any case to be reviewed by motion of the commissioner where the commissioner requests a transcript. There shall be no charges, fees, transcript costs, or other cost imposed upon the employee in prosecuting an appeal. All decisions of (REFEREES) administrative law judges shall be made available to the public in accordance with rules the commissioner may prescribe, except that names of interested parties may be deleted.*

Sec. 11. Minnesota Statutes 1984, section 268.10, subdivision 5, is amended to read:

Subd. 5. [REVIEW BY COMMISSIONER.] Within 30 days after mailing or personal delivery of the notice of (A REFEREE'S) *an administrative law judge's* decision to the claimant or employer at the last known address, a party may appeal from the decision and obtain a review of it by the commissioner or an authorized representative. *An appeal from an administrative law judge's decision must be filed with the chief administrative law judge. Upon receipt of an appeal, the chief administrative law*

judge shall notify the commissioner of the appeal and shall cause a transcript of the hearing to be prepared. Upon completion of the transcript, the entire file shall be transmitted to the commissioner. The commissioner within the same period of time may on the commissioner's own motion order a review of a decision. Upon review, the commissioner or authorized representative may affirm, modify, or set aside any finding of fact or decision, or both, of the (REFEREE) administrative law judge on the basis of the evidence previously submitted in the case, or remand the matter back to the (REFEREE) administrative law judge for the taking of additional evidence and new findings and decision based on all of the evidence before the (REFEREE) administrative law judge. Notice of all hearings on review shall be given to all interested parties in the same manner as provided for by subdivision 3. (THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE MAY REMOVE TO HIMSELF OR HERSELF OR TRANSFER TO ANOTHER REFEREE THE PROCEEDINGS ON ANY CLAIM PENDING BEFORE A REFEREE. ANY PROCEEDINGS REMOVED TO THE COMMISSIONER OR AUTHORIZED REPRESENTATIVE SHALL BE HEARD UPON NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF SUBDIVISION 3.) The department of economic security shall mail to all interested parties a notice of the filing of and a copy of the findings and decision of the commissioner or his representative.

Sec. 12. Minnesota Statutes 1984, section 268.10, subdivision 6, is amended to read:

Subd. 6. [COMMISSIONER.] The manner in which disputed claims are presented, the reports required from the claimant and from employers, and the conduct of (HEARINGS AND) appeals shall be in accordance with the rules adopted by the commissioner (FOR DETERMINING THE RIGHTS OF THE PARTIES, WHETHER OR NOT THE REGULATIONS). *Rules relating to the conduct of hearings before administrative law judges shall be adopted by the chief administrative law judge. The rules of the commissioner and the chief administrative law judge need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be recorded, but need not be transcribed unless the disputed claim is further appealed.*

Sec. 13. Minnesota Statutes 1984, section 268.10, subdivision 9, is amended to read:

Subd. 9. [REPRESENTATION BY ATTORNEY.] In any proceeding under these sections before (A REFEREE) *an administrative law judge* or the commissioner, a party may be represented by an agent or attorney, but no individual claiming benefits shall be charged fees of any kind in a proceeding before

(A REFEREE) *an administrative law judge*, the commissioner, commissioner's representatives, or by any court or any officers thereof. Any individual claiming benefits in any proceedings before the commissioner or his representatives or a court may be represented by counsel or other duly authorized agent, except that said agent in any court proceedings under these sections, must be an attorney at law; but no counsel shall either charge or receive for the services more than an amount approved by the commissioner and no fees shall be collected from an individual claiming benefits by any agent unless he is an attorney at law.

Sec. 14. Minnesota Statutes 1984, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, (APPEAL REFEREE) *administrative law judge*, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, (APPEAL REFEREE) *administrative law judge*, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24, provided that quarterly contribution and wage report forms shall include the employee's name, social security number, and total wages paid to the employee.

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years

old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 15. Minnesota Statutes 1984, section 268.12, subdivision 9, is amended to read:

Subd. 9. [TESTIMONIAL POWERS.] (1) In the discharge of the duties imposed by sections 268.03 to 268.24, the commissioner, (APPEAL REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of these sections;

(2) Witnesses, other than interested parties or officers and employees of an employing unit which is an interested party, subpoenaed pursuant to this subdivision or sections 268.03 to 268.24, shall be allowed fees the same as witness fees in civil actions in district court, which fees need not be paid in advance of the time of giving of testimony, and such fees of witnesses so subpoenaed shall be deemed part of the expense of administering these sections;

(3) In case of contumacy by, or refusal to obey, a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commissioner, or (REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testi-

mony relative to the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

Sec. 16. Minnesota Statutes 1984, section 268.12, subdivision 10, is amended to read:

Subd. 10. [SELF-INCRIMINATION.] No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commissioner, (THE CHAIRMAN OF AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner, or in obedience to the subpoena of any of them in any cause or proceeding before the commissioner, (AN APPEAL TRIBUNAL, REFEREE) *administrative law judge*, or any duly authorized representative of the commissioner on the grounds that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or an account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 17. Minnesota Statutes 1984, section 268.12, subdivision 13, is amended to read:

Subd. 13. [DETERMINATIONS.] (1) An official, designated by the commissioner, upon his own motion or upon application of an employing unit, shall determine if an employing unit is an employer within the meaning of this chapter or as to whether services performed for it constitute employment within the meaning of this chapter, and shall notify the employing unit of the determination. The determination shall be final unless the employing unit, within 30 days after the mailing of notice of the determination to the employing unit's last known address, files a written appeal from it.

(2) (THE COMMISSIONER SHALL DESIGNATE ONE OR MORE REFEREES TO CONDUCT HEARINGS ON APPEALS) *Upon receipt of an appeal under clause (1), the commissioner shall refer the matter to the office of administrative hearings for a hearing.* The employing unit and any claimant whose filed claim for benefits may be affected by a determination issued under clause (1) shall be interested parties to an appeal. The (REFEREE) *administrative law judge* shall fix a time and place within this state for the hearing and give interested parties written notice of it, by mail, not less than ten days prior to the time of the hearing. In the discharge of the duties imposed by this subdivision, the (REFEREE) *administrative law judge* may

administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the subject matter of the hearing. The written report of any employee of the department of economic security, made in the regular course of the performance of the employee's duties, shall be competent evidence of the facts contained in it and shall be *prima facie* correct, unless refuted by other credible evidence.

(3) Upon the conclusion of the hearing, the (REFEREE) *administrative law judge* shall serve upon the interested parties by mail findings of fact and decision. The decision of the (REFEREE) *administrative law judge*, together with his findings of fact and reasons in support of them, is final unless an interested party, within 30 days after the mailing of a copy of it to the interested parties' last known addresses, files an appeal with the (COMMISSIONER) *chief administrative law judge*, or unless the commissioner, within 30 days after mailing of the decision, on his own motion orders the matter certified to him for review. Appeal from and review by the commissioner of the decision of the (REFEREE) *administrative law judge* shall be in the manner provided by rule. The commissioner may without further hearing affirm, modify, or set aside the findings of fact or decision, or both, of the (REFEREE) *administrative law judge* on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence. The commissioner may disregard the findings of fact of the (REFEREE) *administrative law judge* and examine the testimony taken and make any findings of fact as the evidence taken before the (REFEREE) *administrative law judge* may, in the judgment of the commissioner, require, and make any decision as the facts found by him require. The commissioner shall notify the employing unit of his findings and decision by mail, mailed to the interested parties' last known addresses. The decision of the commissioner is final unless judicial review of it is sought as provided by this subdivision. Any interested party to a proceeding before the commissioner may obtain a transcript of the testimony taken before the (REFEREE) *administrative law judge* upon payment to the commissioner of the cost of the transcript at the rate of ten cents per 100 words.

(4) The court of appeals may, by writ of certiorari to the commissioner, review all questions of law and fact presented by the record in accordance with chapter 14. The commissioner shall not be required to certify the record to the court unless the party commencing the proceedings for review pays to the commissioner the cost of certification of the record at the rate of ten cents per 100 words less any amount previously paid by the party for a transcript. The commissioner shall, upon receipt of the payment, prepare and certify to the court a true and correct typewritten copy of all matters contained in the record. The costs collected by

the commissioner shall be deposited in the economic security administration fund provided for in section 268.15.

(5) A final decision of the commissioner or referee, in the absence of appeal, is conclusive for all the purposes of sections 268.03 to 268.24 except as otherwise provided, and, together with the records therein made, shall be admissible in any subsequent judicial proceeding involving liability for contributions. A final decision of the commissioner or referee may be introduced in any proceeding involving a claim for benefits.

(6) In the event a final decision of the commissioner or (REFEREE) *administrative law judge* determines the amount of contributions due under sections 268.03 to 268.24, then, if the amount, together with interest and penalties, is not paid within 30 days after the decision, the provisions of section 268.161 shall apply. The commissioner shall proceed thereunder, substituting a certified copy of the final decision in place of the contribution report.

Sec. 18. Minnesota Statutes 1984, section 268.18, subdivision 1, is amended to read:

Subdivision 1. [ERRONEOUS PAYMENTS.] Any claimant for benefits who, by reason of his own mistake or through the error of any individual engaged in the administration of sections 268.03 to 268.24 or because of a determination or redetermination issued pursuant to section 268.10, subdivision 2, has received any sum as benefits to which he was not entitled under these sections, shall promptly return such benefits in cash to the nearest office of the Minnesota department of economic security. If such claimant fails to return such benefits, the department of economic security shall, as soon as it discovers such erroneous payment, determine the amount thereof and notify said individual to return the same. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant files an appeal with the department in writing within the time aforesaid the matter shall be set for hearing before (A REFEREE OF THE DEPARTMENT) *an administrative law judge of the office of administrative hearings* and heard as other benefit matters are heard in accordance with section 268.10 with the same rights of review as outlined for benefit cases in that section. The commissioner of the department of economic security is hereby authorized to deduct from any future benefits payable to the claimant under these sections in either the current or any subsequent benefit year an amount equivalent to the overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the

individual is liable under its law to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. Benefits paid for weeks more than three years prior to the discovery of error are not erroneous payments.

Sec. 19. Minnesota Statutes 1984, section 268.18, subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and willfully misrepresenting or misstating any material fact or by knowingly and willfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 is guilty of fraud. After the discovery of facts by the commissioner indicating fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that the claimant was ineligible for each week with reference to which benefits were claimed or obtained by fraud for the amount as was in excess of what the claimant would have been entitled to had he not made the fraudulent statements or failed to disclose any material facts. The commissioner also may disqualify an individual from benefits for one to 52 weeks in which the claimant is otherwise eligible for benefits following the week in which the fraud was determined. A disqualification imposed for fraud shall not be removed by subsequent insured work or the expiration of a benefit year but shall not apply to any week more than 104 weeks after the week in which the fraud was determined. The claimant shall promptly repay in cash to the department of economic security any benefits fraudulently obtained. Unless the claimant files a written appeal with the department of economic security within 15 days after the mailing of the notice of determination to his last known address or personal delivery of the notice, the determination shall become final. If the claimant appeals from the determination within the time above specified the matter shall be referred to (A REFEREE) *an administrative law judge* for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. The commissioner is hereby authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined or the overpayment may be collected without interest by civil action in the name of the commissioner. If a claimant has been overpaid benefits under the law of another state and that state certifies to the department the facts involved and that the individual is liable to repay the benefits and requests the department to recover the overpayment, the commissioner is authorized to deduct from future benefits payable to the claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined by that state. A determination of fraud may be made at any time."

Amend the title as follows:

Page 1, line 18, after "14.51;" insert "14.53;"

Page 1, line 25, before the period insert "; repealing Minnesota Statutes 1984, section 268.04, subdivision 30"

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 878, A bill for an act relating to education; requiring the higher education coordinating board to send information relating to post-secondary education to all eighth graders; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 3. [REPEALER.]

Section 1 is repealed effective June 30, 1987."

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

The report was adopted.

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

H. F. No. 882, A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Reported the same back with the following amendments:

Page 1, delete lines 11 to 17 and insert:

"The commissioner may enter into agreements with other states to cooperatively prevent and suppress forest fires."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 883, A bill for an act relating to unclaimed property; extending coverage to corporate stock and other ownership interests; amending Minnesota Statutes 1984, sections 345.35; 345.43; and 345.47.

Reported the same back with the following amendments:

Page 4, line 2, delete *"Unless the commissioner"*

Page 4, delete line 3

Page 4, line 4, delete *"otherwise,"*

Page 4, line 6, delete *"If the"*

Page 4, delete lines 7 to 11

Page 4, line 12, delete *"made, whichever amount is greater."*

Page 4, line 13, delete *"after the expiration of this period"*

Page 4, after line 21, insert:

"Sec. 4. [APPLICATION.]

For purposes of determining whether stock or other intangible ownership interests in business associations are presumed abandoned, the seven-year period of abandonment includes any period of abandonment prior to the effective date of this act."

Page 4, line 23, delete *"3"* and insert *"4"*

Renumber the remaining section

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 889, A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; amending Minnesota Statutes 1984, sections 16B.62, by adding a subdivision; 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 365 and 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5, and 6.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 3, line 6, delete "*five*" and insert "*two*"

Page 6, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "16B.62, by adding a subdivision;"

Page 1, line 13, delete "chapters 365 and" and insert "chapter"

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 894, A bill for an act relating to utilities; defining independent telephone company; amending Minnesota Statutes 1984, section 237.01, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 12, after "*303*" insert "*as of January 1, 1983*" and after "*providing*" insert "*local exchange*"

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 897, A bill for an act relating to education; establishing the state council on vocational technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reported the same back with the following amendments:

Page 1, line 21, delete everything after the period

Page 1, delete line 22

Page 2, line 27, delete everything before "*The*"

Pages 2 and 3, delete section 3

Amend the title as follows:

Page 1, lines 3 and 4, delete "appropriating money;"

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 916, A bill for an act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

Reported the same back with the following amendments:

Page 3, line 28, strike "by" and delete "*personal service*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 928, A bill for an act relating to the registration of snowmobiles; correcting an erroneous repealer; amending Minnesota Statutes 1984, section 84.82, by adding a subdivision; repealing Minnesota Statutes 1984, section 84.82, subdivision 9.

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

The report was adopted.

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

H. F. No. 937, A bill for an act relating to wild animals; altering provisions relating to taking and possession of certain animals; amending Minnesota Statutes 1984, sections 98.48, subdivision 5; 100.27, subdivisions 1, 3, and 4; and 100.29, subdivisions 15 and 25.

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

The report was adopted.

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

H. F. No. 940, A bill for an act relating to wild animals; authorizing the commissioner of natural resources to permit, on an experimental basis, the taking of two deer by one hunter, under conditions and restrictions prescribed by order; proposing coding for new law in Minnesota Statutes, chapter 98.

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

The report was adopted.

Bennett from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 947, A bill for an act relating to commerce; regulating membership camping; prescribing the powers and duties of the commissioner; proposing coding for new law as Minnesota Statutes, chapter 82A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [82A.01] [CITATION.]

This chapter may be cited as the "membership camping practices act."

Sec. 2. [82A.02] [DEFINITIONS.]

Subdivision 1. [ADVERTISEMENT OR ADVERTISING.] "Advertisement" or "advertising" means any written or printed communication or any communication transmitted on radio, television, electronic means, or similar communications media other than telephone, published in connection with the offer or sale of membership camping contracts or to induce prospective purchasers to visit or attend an offer or sales presentation.

Subd. 2. [AMENITY.] "Amenity" means any major recreational building, swimming pool, utility serviced camping sites, or similar facility which is represented as available for use by purchasers now or in the future. "Amenity" does not include a sports court or other minor facility.

Subd. 3. [AFFILIATE.] "Affiliate" of another person means any person directly or indirectly controlling, controlled by, or under common control with the other person.

Subd. 4. [BLANKET ENCUMBRANCE.] "Blanket encumbrance" means any mortgage, deed of trust, option to purchase, vendor's lien or interest under a contract or agreement of sale, judgment lien, federal or state tax lien, or any other material lien or encumbrance which secures or evidences the obligation to pay money or to sell or convey any campground located in this state, or any portion thereof, made available to purchasers by the membership camping operator, and which authorizes, permits, or requires the foreclosure or other disposition of the campground. "Blanket encumbrance" also includes the lessor's interest in a lease of a campground which is located in this state, or any portion thereof, and which is made available to purchasers by a membership camping operator. "Blanket encumbrance" does not include a lien for taxes or assessments levied by any public authority which are not yet due and payable.

Subd. 5. [BROKER.] "Broker" means a person who, for a fee or other valuable consideration, resells a membership camping contract to a new purchaser on behalf of a prior purchaser or who engages in the business of buying and selling membership camping contracts. "Broker" does not include a membership camping operator or a licensed salesperson acting on behalf of a membership camping operator or a licensed broker.

Subd. 6. [CAMPGROUND.] *"Campground" means real property owned or operated by a membership camping operator which is available for use by purchasers of membership camping contracts. Campground does not include:*

(1) a recreational camping area as defined by section 327.14, subdivision 8, if the operator of the recreational camping area does not offer or sell membership camping contracts, but rather rents or licenses camping sites on the recreational camping area for a per use fee; or

(2) a manufactured home park as defined in section 327.14, subdivision 3.

Subd. 7. [CAMPING SITE.] *"Camping site" means a space on a campground designed and promoted for the purpose of locating a trailer, tent, tent trailer, pickup camper, or other similar device used for camping.*

Subd. 8. [COMMISSIONER.] *"Commissioner" means the commissioner of commerce of the state of Minnesota or his or her authorized delegate.*

Subd. 9. [CONTROLLING PERSON.] *"Controlling person" of a membership camping operator means each director and officer and each owner of 25 percent or more of stock of the operator, if the operator is a corporation; and each general partner and each owner of 25 percent or more of the partnership or other interests, if the operator is a general or limited partnership or other person doing business as a membership camping operator.*

Subd. 10. [MEMBERSHIP CAMPING CONTRACT.] *"Membership camping contract" means an agreement offered or sold within this state evidencing a purchaser's right or license to use for more than three years a campground owned or operated by a membership camping operator and includes a membership which provides for this use.*

Subd. 11. [MEMBERSHIP CAMPING OPERATOR.] *"Membership camping operator" or "operator" means any person, other than one that is tax exempt under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, that owns or operates a campground and offers or sells membership camping contracts paid for by a fee or periodic payments and has as one of its purposes camping or outdoor recreation including use of camping sites by purchasers. "Membership camping operator" does not include any person who engages in the business of arranging and selling reciprocal programs except to the extent such person owns or operates campgrounds.*

Subd. 12. [NONDISTURBANCE AGREEMENT.] "Non-disturbance agreement" means any instrument by which the holder of a blanket encumbrance agrees that:

(1) its rights in any campground located in this state made available to purchasers by the membership camping operator shall be subordinate to the rights of purchasers;

(2) the holder and all successors and assigns, and any person who acquires a campground located in this state through foreclosure or by deed in lieu of foreclosure of the blanket encumbrance, or by default or cancellation of a lease shall take the property subject to the rights of purchasers; and

(3) the holder or any successor acquiring a campground located in this state through the blanket encumbrance shall not use or cause the campground to be used in a manner which would materially prevent the purchasers from using or occupying the campground in the manner contemplated by the purchasers' membership camping contract; provided, however, the holder shall have no obligation or liability to assume the responsibilities or obligations of the membership camping operator under the membership camping contract.

The agreement may be in any form or language that reasonably evidences the foregoing.

Subd. 13. [OFFER.] "Offer" means every inducement, solicitation, or attempt to encourage a person to acquire a membership camping contract.

Subd. 14. [OWN, OWNED, OR OWNERSHIP.] "Own," "owned," or "ownership" means to hold title, either legal or equitable, in real property.

Subd. 15. [PERSON.] "Person" means an individual, corporation, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

Subd. 16. [PURCHASER.] "Purchaser" means a person who enters into a membership camping contract with a membership camping operator and obtains the right to use the campground owned or operated by the membership camping operator.

Subd. 17. [RECIPROCAL PROGRAM.] "Reciprocal program" means any arrangements allowing purchasers to use campgrounds owned or operated by persons other than the membership camping operator with whom the purchaser has entered into a membership camping contract.

Subd. 18. [SALE OR SELL.] "Sale or sell" means entering into, or other disposition of, a membership camping contract for

value. "Value" does not include any fee charged by a membership camping operator to offset the reasonable costs of transfer of a membership camping contract from an existing purchaser to a new purchaser.

Subd. 19. [SALESPERSON.] "Salesperson" means an individual, other than a membership camping operator or broker, who offers or sells membership camping contracts, but does not include individuals who refer persons without receiving compensation of more than \$150 per referral. The limitation of \$150 per referral imposed in this subdivision herein shall increase each year by an amount equal to the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or comparable index, should that be discontinued.

Sec. 3. [82A.03] [REGISTRATION REQUIREMENT.]

It is unlawful for any person to offer or sell a membership camping contract in this state unless:

(1) the membership camping contract is registered in accordance with the provisions of this chapter; or

(2) the membership camping contract or the transaction is exempted under section 82A.06.

Sec. 4. [82A.04] [APPLICATION FOR REGISTRATION.]

Subdivision 1. [FILING FEE.] A filing fee of \$500 shall accompany the application for registration of membership camping contracts.

Subd. 2. [APPLICATION CONTENTS.] The application for registration shall include:

(1) an irrevocable appointment of the commissioner to receive service of any lawful process as required by section 82A.22, subdivision 1;

(2) the membership camping operator's name and the address of its principal place of business, the form, date of organization, and jurisdiction of its organization; and the name and address of each of its offices in this state;

(3) a copy of the membership camping operator's articles of incorporation, partnership agreement, or joint venture agreement as contemplated or currently in effect;

(4) the name, address, and principal occupation for the past five years of the membership camping operator and of each con-

trolling person of the membership camping operator, and the extent and nature of each such person's interest in the membership camping operator as of a specified date within 30 days prior to the filing of the application;

(5) a statement indicating whether or not the membership camping operator, or any of the persons identified in clause (4), within the past ten years has been:

(i) convicted of a felony; or

(ii) enjoined or received any adverse administrative order relating to the sale of securities, land, or campgrounds or based on violations of any consumer protection statutes. If any of the above has occurred, the name of the person involved, the jurisdiction, offense, and date of the offense shall be listed;

(6) a legal description of each campground owned or operated in this state by the membership camping operator which is represented to be available for use by purchasers, and a map or maps showing the location of all campgrounds, wherever located, which are owned or operated by the membership camping operator and represented to be available for use by purchasers, and a statement identifying the existing amenities at each such campground and the planned amenities represented as to be available for use by purchasers in the future at each such campground;

(7) the states or jurisdictions in which an application for registration or similar document has been filed by the membership camping operator pursuant to any statute similar to this chapter regulating membership camping contracts and any adverse order, judgment, or decree entered against the operator in connection with membership camping contracts by any regulatory authority in any jurisdiction or by any court;

(8) a statement of the condition of the title to the campground owned or operated in this state by the membership camping operator and represented to be available for use by purchasers, including all encumbrances, deed restrictions, and covenants applicable thereto with data as to recording, as of a specified date within 30 days prior to the date of application, by a title opinion of a licensed attorney, by a title insurance policy, naming the operator or lender as beneficiaries and issued by an insurance company authorized to do business in this state, or by any evidence of title acceptable to the commissioner;

(9) copies of the instruments by which the membership camping operator's interest in the campgrounds in this state was acquired;

(10) copies of all recorded or unrecorded instruments, known to the membership campground operator, that evidence

blanket encumbrances that materially adversely affect the campgrounds in this state;

(11) if there is a blanket encumbrance which materially adversely affects the campgrounds located in this state, a legal description of the encumbrance, and a description of the steps taken to protect purchasers, in accordance with section 82A.14, clause (1), in case of failure to discharge the lien or encumbrance;

(12) evidence showing compliance with the zoning and other applicable environmental or land use laws, ordinances, and regulations affecting the use of the campgrounds located in this state;

(13) a statement of the existing and planned provisions for the following with respect to campgrounds located in this state:

(i) purchasers' access to the campgrounds;

(ii) the availability of sewage disposal facilities and other public utilities, including but not limited to water, electricity, gas, and telephone facilities in the campgrounds;

(iii) the proximity of community fire and police protection;

(iv) a statement of the amenities which will be represented to purchasers as guaranteed to be constructed or installed, whether the operator will be responsible for their cost, installation and maintenance and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur, and may be extended for the period of any delays caused by or deferred due to the occurrence of events such as acts of God, strikes, and other causes outside the reasonable control of the membership camping operator; and assurance that such amenities will be completed by filing a bond or irrevocable letter of credit, depositing funds in an escrow account, or such other provision as the commissioner may by order allow. The amount of the bond or escrow account shall be reduced monthly in proportion to the amount paid for completion of the amenities during such period. The bond, letter of credit, or escrow account shall be issued or held by a bank or insurance or surety company authorized to do business in this state;

(v) a statement of the amenities to be represented to purchasers as planned for construction and installation, but not guaranteed, whether the operator will be responsible for their costs, installation, and maintenance, and an estimated cost of and schedule for completion of the same; provided that the estimated completion dates need not be more precise than the year in which completion is estimated to occur and may be extended for the period of any delays caused by or deferred due to the

occurrence of events such as acts of God, strikes, and other causes outside the reasonable control of the membership camping operator.

(14) a copy of each item of advertising materials which has been prepared for public distribution in this state after the effective date of this act. Advertising material for off-site distribution which is pictorial in nature, other than site and conceptual plans which are labeled as such, shall be limited to a depiction of the actual on-site condition of the campgrounds or other areas that are material to the offer or sale of membership camping contracts pursuant to this registration; site and conceptual plans shall disclose which facilities are and are not currently in existence;

(15) the proposed disclosure statement as required by section 82A.05, subdivision 1, and the proposed separate disclosure, if applicable, as required by section 82A.05, subdivision 6;

(16) a financial statement of the membership camping operator as of the end of the membership camping operator's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year end of the membership camping operator is in excess of 120 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 120 days of the date of application;

(17) a statement of the applicable material permits, other than building permits, not yet obtained but required to be obtained from various federal, state, and local agencies to operate the campground in this state, stating which have been applied for. If any permit has been refused, the reasons for the refusal and the effect the refusal will have on subsequent development of the campgrounds must be disclosed;

(18) a copy of each type of membership camping contract to be sold in this state, the purchase price of each type and, if the price varies, the reason for the variance;

(19) the number of membership camping contracts proposed to be sold at each campground located in this state and a statement describing the method used to determine the number;

(20) rules or regulations of general applicability governing use and occupancy of the campgrounds; but not including any temporary or emergency rules or regulations, or any rules or regulations adopted in response to unique local or immediate needs;

(21) copies of applications for and contracts with any reciprocal program entity in which the membership camping operator is to participate and represents as available for use by purchasers;

(22) information concerning purchase or lease costs, rules, forms, and any fees, other than the initial membership fee and annual dues, which are required for purchaser usage of in-park trailers, recreational vehicles, tents, or other overnight accommodations, provided by or through the membership camping operator, for purchasers as an alternative to using the purchaser's own mobile accommodations;

(23) any additional information the commissioner reasonably deems appropriate to administer the provisions of this chapter.

Subd. 3. [SIGNING OF APPLICATION.] The application shall be signed by the membership camping operator, duly authorized signatory, or any person holding a power of attorney for this purpose from the membership camping operator. If the application is signed pursuant to a power of attorney, a copy of the power of attorney shall be included with the application.

Subd. 4. [EFFECTIVE DATE.] Unless an order denying registration under section 82A.12 is in effect, or unless declared effective by order of the commissioner prior thereto, the application for registration shall automatically become effective upon the expiration of 15 business days following filing with the commissioner, but an applicant may consent in writing to the delay of registration until the time the commissioner may issue an order of registration. If the commissioner requests additional information with respect to the application, the application shall become effective upon the expiration of 15 business days following the filing with the commissioner of the additional information unless an order denying registration under section 82A.12 is in effect or unless declared effective by order of the commissioner prior thereto.

Sec. 5. [82A.05] [DISCLOSURE STATEMENT.]

Subdivision 1. [DELIVERY.] A disclosure statement shall be delivered to each person to whom an offer is made before or concurrently with:

(1) the first written offer other than offer by means of an advertisement; or

(2) any payment pursuant to a sale, whichever occurs first.

Each person to whom an offer is made must be afforded a reasonable opportunity to examine the disclosure statement and must be permitted to retain the statement. The seller shall obtain a receipt, signed by the person, acknowledging that he or she has received a copy of the disclosure statement prior to the execution by the purchaser of any membership camping contract.

All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner, for a period of three years from the date of the receipt.

Subd. 2. [CONTENTS.] A disclosure statement shall include the following information:

(1) the name, principal address, and telephone number of the membership camping operator and of its offices in this state;

(2) a brief description of the membership camping operator's experience in the membership camping business, including the number of years the membership camping operator has been in the membership camping business;

(3) a brief description of the campgrounds owned or operated by the membership camping operator and represented as available for use by purchasers, including identification of the amenities then available for use by purchasers, whether amenities will be available to nonpurchasers and, if so, the price to nonpurchasers therefor;

(4) a statement of whether or not the operator has obtained a bond, deposited funds in an escrow account, obtained an irrevocable letter of credit, or provided any other assurance securing the cost of the amenities which are represented as planned to be constructed or installed in the future for use by purchasers and, if so, the identity of the amenities and the year in which completion is estimated to occur;

(5) a description of the nature of the purchaser's title to, interest in, or right or license to use the campgrounds and amenities;

(6) a description of the membership camping operator's ownership of, or other right to use, the campground and amenities represented to be available for use by purchasers, together with a brief description of any material blanket or other material encumbrance on the campground, and the material provisions of any agreements which materially restrict a purchaser's use of the property, and a statement of the consequences to purchasers in the event of any conveyances of the campgrounds or foreclosure or other adverse action which can be taken with respect to the encumbrances.

(7) a statement or summary of what required material discretionary land use permits, the issuance of which is in the discretion of the issuing governmental authority, have not been obtained for each campground located in this state, and a description of the conditions that must be met to obtain the permits that have not yet been obtained;

(8) a summary and copy of the articles, bylaws, rules, restrictions, or covenants regulating the purchaser's use of each campground and amenities on each campground in this state, including a statement of whether and how the articles, bylaws, rules, restrictions, or covenants may be changed; provided that the foregoing need not include any temporary or emergency rules or regulations or any rules or regulations adopted in response to unique local or immediate needs if the rules and regulations are posted at the campground;

(9) a description of all payments required of a purchaser under a membership camping contract, including initial fees and any further fees, charges or assessments, together with any provisions for changing the payments;

(10) a description of any restraints on the transfer of membership camping contracts;

(11) a statement of the assistance, if any, that the membership camping operator will provide to the purchaser in the resale of membership camping contracts;

(12) a description of the policies of the membership camping operator relating to the availability of camping sites and whether reservations are required;

(13) a description of the membership camping operator's right to change or withdraw from use all or a material portion of the campgrounds or amenities and the extent to which the operator is obligated to replace campgrounds or amenities withdrawn;

(14) a description of any grounds for forfeiture of a membership camping contract;

(15) a statement of the person's right to cancel the membership camping contract as provided in section 82A.11;

(16) a statement describing all material terms and conditions of any reciprocal program represented to be available to purchasers, including whether the purchaser's participation in the reciprocal program is dependent upon the continued participation of the membership camping operator in the reciprocal program and whether the membership camping operator reserves the right to terminate the participation; and

(17) such additional information as may be reasonably required by the commissioner to assure full and fair disclosure of all material facts to prospective purchasers.

Subd. 3. [USE.] The disclosure statement shall not be used for any promotional purpose before registration of the membership camping contracts and after registration, when required

to be delivered pursuant to subdivision 1 of this section, it shall be used only in its entirety. A person may not advertise or represent that the commissioner has approved or recommended the membership camping contracts or sale thereof. A portion of the disclosure statement may not be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement if the effect is to render the statement misleading or deceptive.

Subd. 4. [CONTRACT AS DISCLOSURE STATEMENT.] A membership camping contract which contains all of the information required by subdivision 2 shall be deemed to be a disclosure statement within the meaning of this section. Delivery of such a membership camping contract shall be sufficient compliance with the requirements imposed by this section for delivery of a disclosure statement.

Subd. 5. [OTHER LAW.] Any disclosure statement which complies with the requirements of any federal law or the laws of any other state requiring substantially the same disclosure of information as is required by this section, may by rule or order of the commissioner be deemed to be in full or partial compliance with this section.

Subd. 6. [SEPARATE DISCLOSURE.] If the membership camping operator or that person's salespersons represents to a prospective purchaser that the operator plans to construct or install any amenities in the future, but the operator has not guaranteed to do so and has not provided assurances that the amenities will be installed pursuant to section 82A.04, subdivision 2, clause (13) (iv), the operator shall furnish a separate disclosure to the prospective purchaser. The separate disclosure shall be in 10-point bold type and shall state: **NOTICE: PURCHASE THIS MEMBERSHIP CAMPING CONTRACT ONLY ON THE BASIS OF EXISTING AMENITIES. CONSTRUCTION OF PLANNED AMENITIES IS NOT GUARANTEED. CONSTRUCTION MAY BE DEFERRED, REVISED, OR CANCELED FOR A VARIETY OF REASONS. THE PLANNED AMENITIES FOR THIS CAMPGROUND ARE** (Insert list of amenities, including estimated year of completion of each). **IF THE SALESPERSON DESCRIBES A SIGNIFICANT AMENITY WHICH IS NOT ON THIS LIST, TELEPHONE COLLECT OR TOLL FREE TO** (Insert headquarters telephone number) **TO VERIFY THE OPERATOR'S PLAN FOR SUCH A FACILITY.**

The separate disclosure shall be delivered to each person to whom an offer is made before or concurrently with:

(1) the first written offer other than offer by means of an advertisement; or

(2) any payment pursuant to a sale, whichever is first.

The seller shall obtain a receipt, signed by the person, acknowledging that the person has received a copy of the separate disclosure required herein prior to the execution by the purchaser of any membership camping contract. All receipts shall be kept in files which are in the possession of the membership camping operator or broker subject to inspection by the commissioner for a period of three years from the date of the receipt.

Sec. 6. [82A.06] [EXEMPTIONS.]

Subdivision 1. The following transactions are exempt from the provisions of this chapter:

(1) an offer, sale, or transfer by any one person of not more than one membership camping contract in any 12-month period; unless the offer, sale, or transfer is effected by or through a broker;

(2) an offer or sale by a government or governmental agency;

(3) a bona fide pledge of a membership camping contract; and

(4) any transaction which the commissioner by rule or order exempts as not being within the purposes of this chapter and the registration of which he or she finds is not necessary or appropriate in the public interest or for the protection of purchasers.

Subd. 2. The following transactions are exempt from the provisions of sections 82A.03; 82A.04; 82A.05; 82A.07; 82A.08; 82A.11, subdivisions 2 and 4; 82A.14; 82A.16; and 82A.17: any sale which is made to a person who is not then physically present in this state, and any offer which invites an offeree to attend a sales presentation in another state if:

(1) the offeror has given at least ten days prior written notice to the commissioner of its intention to offer or sell membership camping contracts to residents of this state pursuant to this exemption and paid a fee of \$50;

(2) the offeror has demonstrated that the sales presentation will be made, and the sale will be consummated, in a state which specifically regulates the offer and sale of membership camping contracts;

(3) The offeror has demonstrated that it will deliver a disclosure statement to offerees who are residents of this state which contains substantially the same or greater disclosure as is required by section 82A.05; and (4) the offeror has filed a consent to service of process pursuant to section 82A.22.

Sec. 7. [82A.07] [AMENDMENT OF REGISTRATION.]

A person with a registration in effect, within 30 days after the person becomes aware of, or should have become aware of, the occurrence of any material change in the information on file with the commissioner, including the disclosure statement, which change could adversely affect purchasers, shall notify the commissioner in writing of the change by an application to amend the registration accompanied by a filing fee of \$25. If the amendment is approved by the commissioner, it shall become effective upon the issuance by the commissioner of an order approving the amendment. The amendment shall automatically become effective upon the expiration of 15 business days following filing with the commissioner unless the commissioner has prior thereto issued an order denying or approving the amendment.

Sec. 8. [82A.08] [ANNUAL REPORT.]

Subdivision 1. [REQUIREMENT.] During the period a registration is effective, the membership camping operator shall file an annual report in a format the commissioner may reasonably prescribe. Every annual report shall be due by the 120th day following the end of the operator's fiscal year, unless extended in writing by the commissioner for good cause. The annual report shall:

(1) specify the aggregate number of membership camping contracts sold in this state pursuant to the registration or any amendment thereof;

(2) specify the number of membership camping contracts and aggregate dollar amount of all sales of membership camping contracts in this state by the membership camping operator since the date the registration became effective, or since the last annual report was filed with the commissioner, whatever date is later;

(3) specify any exemption from registration claimed for any sale described in clause (2);

(4) list any changes in the information required to be filed under section 82A.04, subdivision 2, clause (4);

(5) include an audited or unaudited financial statement consisting of a balance sheet for the membership camping operator's last fiscal year end and an income statement for the 12 months next preceding the date of the balance sheet, both prepared by an independent certified public accountant; and

(6) provide such other information as the commissioner may by rule or order reasonably require to administer the provision

of this chapter, including but not limited to, audited financial statements.

Subd. 2. [FEE.] Every annual report filed pursuant to this section shall be accompanied by a fee of \$100.

Subd. 3. [CANCELLATION.] Failure to file the annual report shall be cause for cancellation of the registration. Cancellation shall occur ten days after mailing of the notice of cancellation to the operator or registrant. If canceled, the registration may be reinstated immediately following the filing of the report and payment of the appropriate fees.

Sec. 9. [82A.09] [ADVERTISING.]

Subdivision 1. [REQUIREMENTS.] No person shall publish or cause to be published in this state any advertisement offering a membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, unless an actual copy of a sample of the advertisement has been filed in the office of the commissioner at least ten days prior to the first publication thereof, or at such earlier time as the commissioner by rule or order may allow, or unless the advertisement has been exempted by rule of the commissioner.

Subd. 2. [RESTRICTIONS.] No person shall publish or cause to be published in this state any advertisement concerning any membership camping contract which is required to be registered pursuant to this chapter, or which is exempt from registration under section 82A.06, subdivision 2, after the commissioner has found that the advertisement contains any statement that is false or misleading, or omits to make any statement necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, and has so notified the person by written order. The order may be issued without prior notice or hearing. Up to 30 days after the issuance of the order, the person desiring to use the advertisement may in writing request a hearing on the order. Upon receipt of a written request, the matter shall be set for hearing to commence within 15 days after the receipt unless the person making the request consents to a later date. After the hearing, which shall be conducted in accordance with the provisions of chapter 14, the commissioner shall, by written order, either affirm, modify, or vacate the order.

Sec. 10. [82A.10] [INSPECTION OF RECORDS.]

All records of a membership camping operator and broker and their agents pertaining to the advertising or sale of membership camping contracts in this state shall be maintained by the membership camping operator or broker at that person's principal

place of business and shall there be subject to inspection by the commissioner during normal business hours. The commissioner shall be promptly notified of any change of address affecting the location of the records of the membership camping operator or broker and that person's agents.

Sec. 11. [82A.11] [SALES CONTRACT; RESCISSION.]

Subdivision 1. [WRITING.] Every membership camping contract shall be in writing.

Subd. 2. [GENERALLY.] Any membership camping contract not exempt under section 82A.06, and entered into after the effective date of this chapter, is voidable at the discretion of the purchaser, for a period of three years from the date of the sale, if the contract was not registered under this chapter at the time of the sale, unless subsequently thereto the contract is registered under this chapter and in connection therewith, the purchaser has received a written offer to repurchase the contract for cash payable on closing of the repurchase, together with interest thereon from the date of the purchase at the legal rate or at the rate charged by the membership camping operator or lender to the purchaser, whichever is higher, and the purchaser has failed to accept the offer in writing within 30 days of its receipt. No offer of repurchase shall be effective unless a duplicate copy thereof has been filed with the commissioner at least 20 days prior to its delivery to the offeree and the commissioner has not objected to the offer within that time. The offer to repurchase shall be in the form and contain the information the commissioner by rule or order prescribes. If the purchaser no longer owns the membership camping contract, the purchaser shall be entitled to maintain an action at law, and the damages shall be the consideration paid for the membership camping contract, together with interest thereon as specified above from the date of acquisition to the date of disposition, plus costs and reasonable attorney's fees, less the value received by the purchaser upon disposition of the membership camping contract.

Subd. 3. [RIGHT OF RESCISSION.] A purchaser has an unconditional right to rescind any membership camping contract, or revoke any offer, at any time prior to or within three days after the date the purchaser actually receives a legible copy of the binding contract. Predating of a document does not affect the time in which the right to rescind may be exercised.

Subd. 4. [LABELING OF CONTRACT.] Each membership camping contract shall be prominently labeled and captioned that it is a document taken in connection with a sale of membership camping contracts under this chapter.

Subd. 5. [NOTICE.] Each membership camping contract shall contain the following notice which shall be in at least ten-point type, stating:

"You are entitled to rescind this agreement for any reason within three calendar days from the day you actually receive a legible copy of this document signed by all parties. The rescission must be in writing and sent by certified mail to the membership camping operator along with this agreement and any membership card issued to you or your family at the address stated in this document. Upon rescission, you will receive a refund of all money paid within 30 days after the membership camping operator receives notice of your rescission."

The operator or broker may impose a fee of not more than \$25 for processing of a rescission. If the operator or broker does so, it shall add the following clause to the notice: "provided that the membership camping operator (or broker, if the seller is a broker) may retain a processing fee of \$", and insert the amount of the charge to be imposed.

In the event the membership camping contract is sold by a broker or the broker's salesperson, the above notice shall be modified to substitute the name of the broker for "membership camping operator."

Subd. 6. [EFFECTIVE DATE.] Rescission occurs when the purchaser gives written notice of rescission, whether or not the membership camping contract or any membership card accompanies the notice, to the membership camping operator or the broker at the address stated in the contract. Notice of rescission, if given by mail, is effective when the purchaser deposits a certified letter properly addressed and postage prepaid in a mailbox. A notice of rescission given by the purchaser need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the purchaser not to be bound by the membership camping contract.

Subd. 7. [NONWAIVER.] No act of a purchaser shall be effective to waive the right to rescind as provided in this section.

Sec. 12. [82A.12] [ENFORCEMENT; POWERS OF COMMISSIONER.]

Subdivision 1. [GENERALLY.] The commissioner may issue a cease and desist order and may issue an order denying, suspending, or revoking any registration, amendment renewal, or exemption if the commissioner finds any of the following:

(1) that the membership camping operator or registrant or any controlling person thereof has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order of the commissioner;

(2) that the offer or sale of the membership camping contract has constituted or would constitute a material misrepresent-

sentation to purchasers, or has operated or would operate as a fraud or deceit upon purchasers;

(3) that the membership camping operator or registrant or any controlling person, agent, or employee thereof, is engaging or about to engage in false, fraudulent, or deceptive practices in connection with the offer and sale of a membership camping contract;

(4) that the membership camping operator or registrant or any controlling person or employee thereof, has engaged in any fraudulent or deceptive practice, whether or not in connection with the offer and sale of membership camping contracts, and the involvement of the person in the business of the membership camping operator or registrant creates a substantial risk of harm to prospective purchasers;

(5) that the financial condition of the membership camping operator materially adversely affects, or would materially adversely affect, the ability of the membership camping operator such that there is a reasonable likelihood that the membership camping operator will not be able to substantially fulfill its obligations under the membership camping contract, and no other financial security or assurance is provided by the membership camping operator to fulfill the obligations;

(6) that the membership camping operator's or registrant's enterprise or method of business with respect to the operation of a campground in this state includes or would include activities which are illegal or not in conformance with applicable statutes, ordinances, or regulations of any governmental entity;

(7) that the membership camping operator or registrant or any controlling person thereof has made material misrepresentations or concealed material facts in an application for registration;

(8) that any fee required by this chapter to be paid by the operator or registrant has not been paid; and

(9) that the membership camping operator or controlling person, agent, or employee thereof, has failed faithfully to perform any stipulation or agreement made with the commissioner as an inducement to grant any registration, to reinstate any registration, or to permit any disclosure statement; provided, however, that this clause shall not be deemed to require any stipulations or agreements.

Subd. 2. [HEARING ON ORDER.] If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, the commissioner may issue an order under subdivision 1 without a prior hearing. Upon the entry of

such an order, the commissioner shall promptly serve a copy of the order upon the subject membership camping operator or other person. The order shall state the reasons for its issuance and shall either order a hearing, which shall be set for no later than 20 days from the date of the order, or specify that upon the written request of the membership camping operator, or other person, the matter will be set for hearing within 15 days after receipt of the request; provided that with the consent of the membership camping operator, or other person, a hearing may be held subsequent to the expiration of either period specified herein. If no hearing is requested within 30 days of service of the order and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of chapter 14, shall affirm, modify, or vacate the order.

Subd. 3. [ORDER TO SHOW CAUSE.] If there are not grounds to employ the procedure prescribed in subdivision 2, the commissioner may issue an order to show cause setting a hearing on a date not later than ten days after its entry and requiring a membership camping operator or other person to appear and show cause why a cease and desist order should not be issued, or why an order denying, suspending, or revoking a registration, amendment, or exemption should not be issued. The order to show cause shall give reasonable notice of the time and place for hearing thereon, which shall be within ten days after entry of the order, unless the respondent agrees otherwise, and shall state the reasons for the entry of the order. The hearing shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require.

Subd. 4. [BURDEN OF PROOF.] In any proceeding under this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

Subd. 5. [INVESTIGATIONS.] The commissioner may make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. For purposes of any investigation or proceeding under this chapter, the commissioner or any person designated by him or her may require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, setting forth the facts and circumstances concerning the matter to be investigated; administer oaths or affirmations, and upon his or her own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books,

documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the commissioner may apply to the district court for an order to compel compliance.

Sec. 13. [82A.13] [PROHIBITED PRACTICES.]

Subdivision 1. [UNTRUE STATEMENTS FILED IN DOCUMENTS.] No person shall make or cause to be made any untrue statement of a material fact in an application or other document filed with the commissioner under this chapter, or omit to state in the application or other document any material fact which is required to be stated therein, or fail to notify the commissioner of any material change as required by sections 82A.07 and 82A.16, subdivision 3.

Subd. 2. [FRAUD.] No person shall, in connection with the offer or sale of any membership camping contract, directly or indirectly:

- (1) employ any device, scheme, or artifices to defraud;*
- (2) make any untrue statement of a material fact, or omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or*
- (3) engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.*

Subd. 3. [MISREPRESENTATIONS.] No person may represent or cause to be represented to any prospective purchaser or a membership camping contract that the filing of any document under this chapter or the registration or exemption from registration of a membership camping contract constitutes a finding by the commissioner that any document filed under this chapter is true, complete, and not misleading, or that the commissioner has passed in any way upon the merits of any membership camping contract, and no person may represent that a membership camping contract is registered or exempted from registration when in fact, such is not the case.

Sec. 14. [82A.14] [UNFAIR PRACTICES.]

No membership camping operator shall:

- (1) sell or offer to sell any membership camping contract with respect to a campground located in this state which is subject to a blanket encumbrance unless;*

(i) each person holding an interest in a blanket encumbrance shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located; or

(ii) a bond or irrevocable letter of credit has been issued, or cash or a certified check in an amount sufficient to cover payment of all amounts secured by the blanket encumbrance has been deposited, in the name of the state for the benefit and protection of purchasers of membership camping contracts and subject to terms as approved by the commissioner. Any interest accruing on amounts held in the account shall be payable, as and when earned, to the membership camping operator. Any bond shall be executed by an insurance company authorized to do business in this state, which has sufficient net worth to satisfy the indebtedness and which has given consent to be sued in this state. Any irrevocable letter of credit shall be issued by a bank or savings and loan association which has sufficient net worth to satisfy the indebtedness and which has given its consent to be sued in this state. The bond, cash, certified check, or irrevocable letter of credit shall be in an amount which is not less than 110 percent of the remaining principal balance of every indebtedness or obligation secured by a blanket encumbrance affecting the campground. The bond or agreement accompanying the cash, certified check, or irrevocable bank letter of credit shall provide for the payment of all amounts secured by the blanket encumbrance, including costs, expenses, and legal fees of the lien holder, if for any reason the blanket encumbrance is enforced. The bond, cash, certified check, or letter of credit may be reduced periodically in proportion to the reductions in the amount secured by the blanket encumbrance; or

(iii) the lender providing the major hypothecation loan to the membership camping operator (the "hypothecation lender"), and having a lien on or security interest in the membership camping operator's interest in the campground, shall have executed and delivered a nondisturbance agreement and recorded the agreement in the real estate records of the county in which the campground is located in this state. Each person holding an interest in a blanket encumbrance superior to the interest held by the hypothecation lender shall have executed, delivered, and recorded an instrument stating that the person shall give the hypothecation lender notice of, and at least 30 days' opportunity to cure, any default under the blanket encumbrance which entitles the person to foreclose upon the campground. The instrument shall state that the notice and opportunity to cure shall be given before the person commences any foreclosure action affecting the campground and in accordance with the instrument. The hypothecation lender shall have guaranteed that it will cure or arrange for the cure of the default. Any holder of a blanket encumbrance inferior to the hypothecation lender who acquires the campground in foreclosure shall take the campground subject to the hypothecation lender's nondisturbance agreement. For pur-

poses of this provision, a "hypothecation lender" is any lender extending a loan or line of credit to a membership camping operator secured by all or substantially all of the contract receivables arising from the membership camping operator's sale of membership camping contracts in this state. For purposes of this provision, "lender" means an insurance company or a federally or state chartered bank, savings and loan association, any other lending institution, the deposits of which are guaranteed or insured, by a federal agency, or any other person which has sufficient net worth to pay the obligations pursuant to this section if there are no reasonable grounds to believe that the lender will not be able to pay these obligations in the future; or

(iv) the operator can provide an alternative plan acceptable to the commissioner;

(2) sell any campground which is located in this state and available for use by purchasers, unless:

(i) the membership camping operator sells the campground to a person who takes the campground subject to all rights and interests of purchasers, and contractually agrees not to compromise the rights and interests of purchasers in regard to future conveyances of, or encumbrances placed on the campground;

(ii) the membership camping operator immediately substitutes for the use of purchasers another campground which is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area" means a location within a 50-mile radius of the previous campground; or

(iii) the membership camping operator immediately substitutes for the use of purchasers another campground and the substitution is approved by two-thirds of all existing purchasers;

(3) substitute any campground located in this state and available for use by purchasers with a different campground, unless the substituted campground is in the same general area and is at least as desirable for the purpose of camping and outdoor recreation as the previous campground. For purposes of this provision, "same general area" means a location within a 50-mile radius of the previous campground;

(4) sell membership camping contracts with respect to any campground located in this state that is not owned by the membership camping operator or leased by the membership camping operator for a lease term at least equal to the term of the membership camping contract with respect to the campground;

(5) fail to disclose the circumstances, if any, under which any reciprocal program that has been offered as an inducement to purchasers may be terminated;

(6) materially modify any campground rules or regulations or modify purchasers' rights to or the scope and nature of an amenity in a manner which significantly degrades or diminishes the material rights of any purchaser without prior notice to purchasers resident in this state; or materially adversely modify any material campground rules or regulations or materially adversely modify purchaser's rights to or the scope and nature of an amenity in a manner which the purchaser proves:

(i) significantly degrades or diminishes any material rights of that purchaser; and

(ii) has no compensating benefit to any other purchaser or groups of purchasers;

(7) terminate or provide for termination of a membership camping contract, except for good cause. "Good cause" shall mean failure of the purchaser to substantially or consistently comply with reasonable requirements imposed upon him or her by the membership camping contract and campground rules and regulations;

(8) terminate a membership camping contract without first giving written notice setting forth all reasons for the termination to the purchaser at least 30 days prior to the termination becoming effective;

(9) increase a purchaser's membership dues after the sale of a contract in such a manner as to result in an increase thereof greater than whichever of the following increases is higher:

(i) the actual increase in costs of services or improvements for which the membership dues are imposed; or

(ii) the increase in the United States city average consumer price index for all urban consumers issued by the United States Bureau of Labor Statistics or such other federally prepared consumer price index or wage earner index as reasonably selected by the operator in its discretion;

(10) require purchaser to certify the absence of any misrepresentation or other violation of this chapter provided, however, that a purchaser's acknowledgment of receipt of a copy of the membership camping contract shall not be deemed to constitute such a certification;

(11) require the purchaser to waive the right to assert against the membership camping operator or any assignee any

claim or defense the purchaser may have against the membership camping operator under the membership camping contract; or

(12) materially and repeatedly fail to maintain a campground in this state in the manner contractually agreed upon.

Sec. 15. [82A.15] [PRESERVATION OF PURCHASER'S CLAIMS AND DEFENSES.]

Any assignee of a membership camping contract or obligation relating to membership camping contracts shall be subject to all claims and defenses of the purchaser against the membership camping operator arising from the sale, notwithstanding any agreement to the contrary. An assignee who takes assignment of the membership camping contract without assumption of any obligations thereunder shall have no obligation or liability to assume the obligations or responsibilities of the membership camping operator under the membership camping contract. The assignee's liability under this section shall not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. The rights of the purchaser under this subdivision can only be asserted as a matter of defense to or set off against a claim by the assignee.

Sec. 16. [82A.16] [LICENSURE REQUIREMENT.]

Subdivision 1. [SALESPERSON OR BROKER.] A salesperson or broker may not offer or sell a membership camping contract until duly licensed under this chapter.

Subd. 2. [FEE AND CONTENTS.] A salesperson or broker may apply for a license by filing a fee of \$25 and an application with the commissioner which includes the following information:

(1) the applicant's name, age, residence address, and, in the case of a salesperson, the name and place of business of the membership camping operator or broker on whose behalf the salesperson will be acting;

(2) the applicant's date and place of birth;

(3) a statement whether or not the applicant within the past ten years has been convicted of a misdemeanor or felony involving theft, fraud, or dishonesty or whether or not the applicant within the past ten years has been enjoined from, had any civil penalty assessed for, or been found to have engaged in any violation of any securities, land sales, camping, or consumer protection statutes;

(4) a statement whether or not the applicant is named as a defendant in a pending criminal indictment or proceeding in-

volving fraud, theft, or dishonesty or is a defendant in a pending lawsuit arising out of alleged violations of securities, land sales, camping, or consumer protection statutes. A copy of the charge, complaint, or lawsuit shall be provided to the commissioner;

(5) a statement describing the applicant's employment history for the past five years and whether or not any termination of employment during the last five years was occasioned by a theft, fraud, or act of dishonesty;

(6) an affidavit certifying that the applicant is knowledgeable concerning the provisions of sections 82A.05, 82A.13, 82A.14, and 82A.16 and any rules adopted under those sections;

(7) a statement whether or not the applicant has ever been licensed by this state or its political subdivisions to engage in any other business or profession; whether any such license has been denied, suspended, or revoked and, if so, the circumstances of the denial, suspension, or revocation;

(8) such other information as the commissioner may reasonably deem necessary to administer the provisions of this act, by rule or order.

Subd. 3. [AMENDMENTS.] *Each licensee shall, within 15 days after the occurrence of any material change in the information contained in the initial application for license, file with the commissioner an amendment to the application setting forth the facts of change. The following shall be material changes requiring amendment:*

(1) any termination of employment with a membership camping operator or broker;

(2) any new employment with a different membership camping operator or broker;

(3) upon any occasion when the salesperson or broker is named as a defendant in any criminal indictment or proceeding involving fraud, theft, or dishonesty or is a defendant in any pending lawsuit arising out of alleged violations of this chapter or any securities, land sales, or consumer protection statutes. A copy of the complaint or lawsuit shall be provided to the commissioner; and

(4) a change of name or address.

Subd. 4. [SALESPERSONS.] *A salesperson must be licensed to act on behalf of a registered membership camping operator or licensed broker and may not be licensed to act on behalf of more than one membership camping operator or broker in this state during the same period of time. The license of each*

salesperson shall be mailed to and remain in the possession of the salesperson until canceled.

Subd. 5. [EXPIRATION.] Every license issued pursuant to this chapter shall expire on the February 28 next following the issuance of the license.

Subd. 6. [RENEWAL.] The license of a salesperson and broker shall be renewed annually by the filing of a form prescribed by the commissioner and payment of a fee of \$10.

Subd. 7. [ALTERNATIVE SYSTEM.] Notwithstanding the provisions of subdivisions 5 and 6, the commissioner may institute a system by rule pursuant to chapter 14 to provide three-year licenses from the date of issuance for any license prescribed by this section.

Subd. 8. [RESPONSIBILITY OF OPERATOR.] Each membership camping operator or broker shall be responsible for any violations of section 82A.13 or 82A.14 by any and all of its salespersons while acting as its agents in connection with the offer or sale of membership camping contracts. Unless the broker is liable for such violations pursuant to section 82A.19, subdivision 2, the operator's or broker's liability under this subdivision shall be limited to rescission and refund of the purchaser's payments for the membership camping contract.

Sec. 17. [82A.17] [DENIAL; SUSPENSION; REVOCATION OF LICENSES.]

Subdivision 1. [GROUNDS.] The commissioner may by order deny a license application, suspend or revoke any license, or may censure a licensee if he or she finds that the order is in the public interest, and that the applicant or licensee:

(1) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent or deceptive practice;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the membership camping contract business or any other statute designed to protect consumers; or

(4) has materially or intentionally violated or failed to comply with any provision of this chapter or any rule or order under this chapter.

Subd. 2. [ORDER TO SHOW CAUSE.] The commissioner shall issue an order requiring a licensee or applicant for a license to show cause why the license should not be revoked or suspended, or the licensee censured, or the application denied. The order shall be calculated to give reasonable notice of the time and place for hearing thereon, and shall state the reasons for the entry of the order. If the commissioner finds that there are reasonable grounds to believe that, unless an order is issued promptly, there is an immediate and significant risk of harm to purchasers, the commissioner may by order summarily suspend a license pending final determination of any order to show cause. If a license is suspended pending final determination of an order to show cause, a hearing on the merits shall be held within 30 days of the issuance of the order of suspension. All hearings shall be conducted in accordance with the provisions of chapter 14. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which he or she has been duly notified, the person shall be deemed in default, and the proceeding may be determined against him or her upon consideration of the order to show cause, the allegations of which may be deemed to be true.

Sec. 18. [82A.18] [ENFORCEMENT; PENALTIES AND REMEDIES.]

Subdivision 1. [CIVIL ACTION.] Whenever the commissioner has reasonable cause to believe that any person has engaged or is about to engage in any act or practice constituting a violation of any provisions of this chapter or any rule or order thereunder, he or she may, in addition to all other remedies, institute on behalf of the state of Minnesota a civil action seeking appropriate relief. In addition to all other penalties and remedies provided by this chapter, whether administrative or judicial in nature, the courts of this state shall have jurisdiction to grant such temporary, interlocutory, or permanent injunctive relief as is necessary to prevent and restrain violations of this chapter and may upon a proper showing appoint a receiver for the property, assets, business, and affairs of a membership camping operator.

Subd. 2. [CIVIL PENALTY.] Any person who materially or repeatedly violates section 82A.03, 82A.05, 82A.09, 82A.13, 82A.14, or 82A.16 shall be subject to a fine of not more than \$1,000 for each violation provided, however, that the total recovery arising from the same failure to comply, but involving different purchasers, shall be limited to \$5,000. A fine authorized by this subdivision may be imposed in a civil action brought by the attorney general on behalf of the state of Minnesota, and shall be deposited into the state treasury.

Subd. 3. [PENALTY FOR UNPAID FEES.] Any person who fails to pay the filing fees required by this chapter and con-

tinues to sell membership camping contracts, is liable civilly in an action brought by the attorney general on behalf of the commissioner for a penalty in an amount equal to treble the unpaid fees.

Sec. 19. [82A.19] [CIVIL LIABILITY.]

Subdivision 1. [GENERALLY.] A person who violates any provision of section 82A.05, 82A.13, or 82A.14 or any rule or order thereunder shall be liable to the purchaser who may sue for actual damages caused thereby, for rescission, or other relief as the court may deem appropriate.

Subd. 2. [JOINT AND SEVERAL LIABILITY.] Every person who materially aids in the act or a violation of section 82A.05, 82A.13, or 82A.14 is also liable jointly and severally with and to the same extent as the person, directly committing the violation unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subd. 3. [COSTS AND DISBURSEMENTS.] The prevailing party, in any suit authorized under this section or brought pursuant to section 82A.11, may recover costs and disbursements plus reasonable attorney's fees, in addition to any other relief granted.

Subd. 4. [REMEDIES ADDITIONAL.] The rights and remedies provided by this chapter shall be in addition to any and all other rights and remedies that may exist at law or in equity.

Subd. 5. [LIMITATIONS ON ACTIONS.] An action shall not be commenced pursuant to this section later than three years from the date the person enters into the contract.

Sec. 20. [82A.20] [RULES AND OPINIONS.]

Subdivision 1. [RULEMAKING POWER.] The commissioner may adopt rules to carry out the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify membership camping contracts, persons, or matters within his or her jurisdiction, and prescribe different requirements for different classes insofar as they are consistent with this chapter. Rules shall be adopted in accordance with chapter 14, and shall not be inconsistent with the provisions of this chapter.

Subd. 2. [OPINIONS.] The commissioner, upon request and upon payment of a fee of \$50, may honor requests for interpretive opinions relating to this chapter.

Sec. 21. [82A.21] [SCOPE.]

The provisions of this chapter concerning offers and sales of membership camping contracts apply when an offer or sale is made in this state.

For the purpose of this chapter, an offer or sale is made in this state when a sales presentation is made in this state. An offer or sale is also made in this state, whether or not either party is then present in this state, when:

(1) the offer originates from this state and is intended to induce the offeree to attend a sales presentation in this state; or

(2) the offer is directed by the offeror to this state, received by the offeree in this state and is intended to induce the offeree to attend a sales presentation in this or another state.

An offer or sale is not made in this state when a publisher circulates or there is circulated on the publisher's behalf in this state any bona fide newspaper or other publication of general, regular, and paid circulation which is not published in this state, or a radio or television program originating outside this state is received in this state.

Sec. 22. [82A.22] [SERVICE OF PROCESS.]

Subdivision 1. [CONSENT TO SERVICE.] Every membership camping operator or broker, on whose behalf an application for registration or exemption is filed, shall file with the commissioner, in such form as the commissioner may prescribe, an irrevocable consent appointing the commissioner and the commissioner's successors in office to be the membership camping operator's or broker's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the membership camping operator or broker or his or her successor, executor, or administrator which arises under this chapter or any rule or order thereunder after the consent has been filed, with the same force and validity as if served personally on the membership camping operator or the operator's successor, executor, or administrator. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless:

(1) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him or her, sends notice of the service and a copy of the process by certified mail to the defendant or respondent at that person's last address on file with the commissioner; and

(2) *the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.*

Subd. 2. [APPOINTMENT OF COMMISSIONER.] *When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter, or any rule or order thereunder, and the person has not filed a consent to service of process under subdivision 1 and personal jurisdiction over this person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment of the commissioner or the commissioner's successor to be the person's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the person which grows out of that conduct and which is brought under this chapter or any rule or order thereunder, with the same force and validity as if served on the person personally. Service may be made by leaving a copy of the process in the office of the commissioner, and it is not effective unless:*

(1) *the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by the commissioner, forthwith sends notice of the service and a copy of the process by certified mail to the defendant or respondent at his or her last known address or takes other steps which are reasonably calculated to give actual notice; and*

(2) *the plaintiff's affidavit of compliance with this subdivision is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.*

Subd. 3. [CONTINUANCES.] *When process is served under this section, the court or the commissioner in a proceeding before him or her shall order such continuance as may be necessary to afford the defendant or respondent reasonable opportunity to defend.*

Sec. 23. [82A.23] [WAIVERS VOID.]

Any condition, stipulation, or provision purporting to bind any person acquiring any membership camping contract to waive compliance with any provision of this chapter or any rule or order thereunder is void.

Sec. 24. [82A.24] [ADMINISTRATION.]

Subdivision 1. [GENERALLY.] *This chapter shall be administered by the commissioner of commerce.*

Subd. 2. [RESPONSIBILITIES OF DEPARTMENT.] *It is unlawful for the commissioner or any of his or her officers or employees to use for personal benefit any information which*

is filed with or obtained by the commissioner and which is not generally available to the public. Nothing in this chapter authorizes the commissioner or any of his or her officers or employees to disclose any confidential information except among themselves or to other administrators or regulatory authorities, or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates any privilege or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the commissioner or any of his or her officers or employees.

Subd. 3. [PUBLIC DOCUMENTS.] All applications and other documents filed with the commissioner under this chapter, except for loan or real estate agreements and building plans and specifications which have not otherwise been made public by the membership camping operator, shall be open to public inspection in accordance with rules prescribed by the commissioner. Loan or real estate agreements and building plans and specifications which have not otherwise been made public by the operator shall be classified as protected nonpublic data or private data on individuals. The commissioner may publish information filed with him or her or obtained by him or her if, in the judgment of the commissioner, such action is in the public interest.

Subd. 4. [DOCUMENT FILING.] A document is filed when it is received by the commissioner.

Subd. 5. [REGISTER OF FILING.] The commissioner shall keep a register of all filings which are or have ever been effective under this chapter and all denial, suspension, revocation, and other orders which have been entered under this chapter. The register shall be open for public inspection.

Subd. 6. [COPIES.] The commissioner upon request shall furnish to any person at a reasonable charge photostatic or others copies, certified under his or her seal of office if certification is requested, of any entry in the register or any order or other document on file in his or her office except for documents not available to the public pursuant to subdivision 3. Any copy so certified is admissible in evidence under section 600.13.

Subd. 7. [SERVICE OF ORDERS.] Orders of the commissioner shall be served by mailing a copy by certified mail to the most recent address of the recipient of the order as it appears in the files of the commissioner. Subpoenas shall be served in the same manner as provided in civil actions in the district courts.

Sec. 25. [82A.25] [CRIMINAL PENALTIES.]

Any person who willfully violates section 82A.03 by offering or selling unregistered, nonexempt membership camping con-

tracts or section 82A.13 or any order of the commissioner pursuant thereto of which that person has notice, may be fined not more than \$5,000 or imprisoned not more than five years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of the offenses shall not bar prosecution or conviction for any other offense.

Sec. 26. [82A.26] [NONAPPLICABILITY OF CERTAIN LAW.]

Membership camping contracts registered pursuant to this chapter are exempt from the provisions of chapter 83. To the extent that licensed salespersons and licensed brokers engage in the offer or sale of membership camping contracts, those brokers and salespersons are exempt from the licensing requirements of chapter 82.

Sec. 27. [EFFECTIVE DATE.]

This act is effective January 1, 1986."

Delete the title and insert:

"A bill for an act relating to commerce; registering and regulating membership camping practices; providing for disclosure, rescission rights, civil liabilities, and criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 82A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 951, A bill for an act relating to the Minnesota historical society; authorizing local heritage preservation commission; amending Minnesota Statutes 1984, section 471.193.

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

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 953, A bill for an act relating to local government; providing for the size of statutory city public utilities commis-

sions; amending Minnesota Statutes 1984, section 412.341, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [HERMANTOWN PUBLIC UTILITIES COMMISSION.]

The city of Hermantown may provide by ordinance that its public utilities commission shall consist of as many as seven members. Their terms shall be as provided by Minnesota Statutes, section 412.341 and, so far as possible, staggered so that an equal number expire in each year. If the city reduces the number of members, the incumbent members whose terms are cancelled shall be determined by lot, separately for each affected year's members.

Sec. 2. [LOCAL APPROVAL.]

Section 1 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Hermantown."

Delete the title and insert:

"A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission."

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 991, A bill for an act relating to local government; regulating certain municipal dissolutions and annexations; amending Minnesota Statutes 1984, sections 412.091; 414.033, by adding subdivisions; and 414.061, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 998, A bill for an act relating to natural resources; revising the boundaries of certain state forests; creating a new state forest; amending Minnesota Statutes 1984, section 89.021, subdivisions 18, 28, 33, and by adding a subdivision.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1001, A bill for an act relating to courts; providing for reimbursement of residents required to testify in another state in criminal cases; amending Minnesota Statutes 1984, section 634.06.

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1004, A bill for an act relating to independent school district No. 347, Willmar; authorizing AVTI construction projects subject to certain conditions.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Appropriations, without recommendation.

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1011, A bill for an act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments:

Page 1, line 12, delete everything before "At"

Page 2, delete line 1 and insert:

"Sec. 2. [WORTHINGTON.]

Notwithstanding section 1 and"

Page 2, line 6, after the period insert *"This section applies only to the sale of parcels of land, under the control of the state board for community colleges, that are numbered 10 through 14 and 16 through 20 located between Betty Avenue and West Lake Avenue and to parcels that are 150 feet deep located west of Thompson Avenue."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 10, delete the new language

Page 1, line 13, delete "(B)" and insert "(A)" and delete "(C)," and insert "(A)"

Page 1, line 13, before the first "or" insert *"and having a combined capacity at a single site of less than 80,000 kilowatts"*

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

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1045, A bill for an act relating to taxation; making administrative and technical changes to income tax and property

tax refund provisions; amending Minnesota Statutes 1984, sections 80A.09, subdivision 1; 136D.28, subdivision 4; 136D.741, subdivision 7; 136D.89, subdivision 4; 270.67, by adding a subdivision; 270.75, subdivision 4; 290.06, subdivision 3d; 290.069, subdivision 5; 290.08, subdivision 8; 290.09, subdivision 4; 290.095, subdivisions 3 and 10; 290.101, subdivision 1; 290.172; 290.18, subdivision 2; 290.42; 290.50, subdivision 2; 290.523, subdivision 2; 290.92, subdivisions 5a, 6, 19, and 28; 290.97; 290.9726, subdivision 2; 290A.03, subdivisions 3 and 11; 290A.11, subdivision 2, and by adding a subdivision; 290A.19; repealing Laws 1983, chapters 213, section 2; and 247, section 122; and Laws 1984, chapter 514, article 2, section 13.

Reported the same back with the following amendments:

Page 3, line 9, after *"appeal"* insert *"to the tax court"*

Page 5, line 18, after *"loss"* insert *"apportioned to Minnesota in the loss year"*

Page 9, line 3, after *"filed"* insert *"and the commissioner and the taxpayer may agree to extend this period"*

Page 15, line 34, before *"Any"* insert *"Effective with payments made after April 1, 1988,"*

Page 16, line 4, after *"individual"* insert *"by the same person"*

Page 17, lines 35 and 36, and page 18, line 1, delete the new language

Page 18, line 28, delete *"For purposes of this"*

Page 18, line 29, delete *"chapter,"*

Page 20, line 11, delete *"commission"* and insert *"commissioner"*

Page 20, line 29, delete *"taxable"* and insert *"loss"*

Page 20, line 29, after *"1984"* insert *"and carry forward years beginning after December 31, 1984, arising from loss years beginning before January 1, 1985"*

Page 20, line 30, delete *"the day after final enactment, and applies to"* and insert *"for"*

Page 20, line 31, delete *"within two"*

Page 20, line 32, delete *"years of the day after final enactment"* and insert *"after January 1, 1983"*

Page 21, line 6, delete the new language

Page 21, line 7, delete "*which are allowed to*" and insert "*which may not*"

Page 23, line 15, reinstate everything before the stricken "a"

Page 23, line 16, after the stricken "in" insert "*an employee of*" and reinstate "*the department of revenue.*"

Page 25, line 30, delete "*a tax imposed*" and insert "*an understatement of liability*"

Page 25, line 31, delete "*by this chapter*"

Page 27, line 7, after the period insert paragraph coding

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1065, A bill for an act relating to local government; permitting the municipal board to require meetings to discuss disputed issues; amending Minnesota Statutes 1984, section 414.01, by adding a subdivision.

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

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

H. F. No. 1107, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, line 19, delete "*children*" and insert "*child*"

Page 1, line 19, delete "*service*" and insert "*services*"

Page 1, line 22, delete "*multidisciplinary*"

Page 1, line 26, delete "MULTIDISCIPLINARY" and insert "JOINT"

Page 2, line 1, delete "develop" and insert "cooperate in the development of"

Page 2, line 2, delete "multidisciplinary educational" and insert "joint"

Page 2, line 14, delete "consideration" and insert "considerations"

Page 2, line 30, delete "chapter"

Page 2, delete line 31

Page 2, line 32, delete everything after "10b" and insert a period

Page 2, delete lines 33 and 34

Page 2, after line 34, insert:

"Subd. 4. [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals."

Amend the title as follows:

Page 1, line 5, delete "multidisciplinary education" and insert "joint training"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kvam from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1216, A bill for an act relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; amending Laws 1985, chapter 4, section 3, subdivision 8.

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

The report was adopted.

Blatz from the Committee on Crime and Family Law to which was referred:

S. F. No. 196, A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 388.051, subdivision 2, is amended to read:

Subd. 2. [SPECIAL (PROVISION; GROSS MISDEMEANORS) PROVISIONS.] (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall 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; 609.41; and 617.247.

(b) *The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6.*

Sec. 2. Minnesota Statutes 1984, section 609.379, is amended to read:

609.379 [PERMITTED ACTIONS.]

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

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

(b) *When used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from hurting himself or any other person or property.*

Subd. 2. [APPLICABILITY.] This section applies to sections 260.315, 609.255, 609.376, 609.377, 609.378, and 626.556 (, SUBDIVISION 12).

Sec. 3. Minnesota Statutes 1984, section 626.556, subdivision 1, is amended to read:

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

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

Sec. 4. Minnesota Statutes 1984, 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) (1) *an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or* (2) *an individual functioning outside the family unit and having responsibilities for the care of the child such as a 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 (1) 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 (2) 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 (: (1)) any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means (;), or ((2)) any physical injury that cannot reasonably be explained by the child's history of injuries.

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

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

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

(h) "Commissioner" means the commissioner of human services.

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

Sec. 5. Minnesota Statutes 1984, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A professional or his delegate who is *an employee assistance counselor or who is* engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who (HAS KNOWLEDGE OF OR REASONABLE CAUSE) *knows or has reason to believe* a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, (UPON) *within 24*

hours of receiving a report, shall (IMMEDIATELY) notify the local welfare agency orally and in writing. The local welfare agency, (UPON) within 24 hours of receiving a report, shall (IMMEDIATELY) notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

(b) Any person (NOT REQUIRED TO REPORT UNDER THE PROVISIONS OF THIS SUBDIVISION) may voluntarily report to the local welfare agency, police department or the county sheriff if he (HAS KNOWLEDGE OF OR REASONABLE CAUSE TO BELIEVE) knows, has reason to believe, or suspects a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, (UPON) within 24 hours of receiving a report, shall (IMMEDIATELY) notify the local welfare agency orally and in writing. The local welfare agency, within 24 hours of receiving a report, shall notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report (SUSPECTED) physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person (WHO MAKES A) mandated to report shall, upon request to the local welfare agency, receive a (CONCISE) summary of the disposition of (THE) any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

Sec. 6. Minnesota Statutes 1984, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) The following persons are immune from any civil or criminal liability that otherwise might result from their actions if they are acting in good faith:

((A)) (1) any person (, INCLUDING THOSE VOLUNTARILY MAKING REPORTS AND THOSE REQUIRED TO MAKE REPORTS UNDER SUBDIVISION 3, PARTICIPAT-

ING IN GOOD FAITH AND EXERCISING DUE CARE IN THE) making (OF) a *voluntary or mandated report under subdivision 3* or assisting in an assessment (PURSUANT TO) *under this section* (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.)

((B) A SUPERVISOR OR SOCIAL WORKER EMPLOYED BY A LOCAL WELFARE AGENCY, WHO IN GOOD FAITH EXERCISES DUE CARE WHEN COMPLYING WITH SUBDIVISIONS 10 AND 11 OR ANY RELATED RULE OR PROVISION OF LAW, SHALL HAVE IMMUNITY FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.); *and*

(2) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists (IN GOOD FAITH) in an investigation or assessment pursuant to subdivision 10 (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THAT ACTION).

(b) A person that is a supervisor or social worker employed by a local welfare agency complying with subdivisions 10 and 11 or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions if the person is acting in good faith and exercising due care.

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

Sec. 7. Minnesota Statutes 1984, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. [RETALIATION PROHIBITED.] (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith (SUSPECTED) abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of (SUSPECTED) abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of

this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;
- (2) discharge from or termination of employment;
- (3) demotion or reduction in remuneration for services; or
- (4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 8. Minnesota Statutes 1984, section 626.556, subdivision 5, is amended to read:

Subd. 5. [FALSIFIED REPORTS.] Any person who (WILLFULLY) *knowingly* or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Sec. 9. Minnesota Statutes 1984, section 626.556, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] (ANY) A person (REQUIRED) *mandated* by this section to report (SUSPECTED PHYSICAL OR SEXUAL CHILD ABUSE OR NEGLECT WHO WILLFULLY FAILS TO DO SO SHALL BE) *who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined in subdivision 2, and fails to report is* guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1984, section 626.556, subdivision 7, is amended to read:

Subd. 7. [REPORT.] An oral report shall be made immediately by telephone or otherwise. An oral report made by a person (REQUIRED) under subdivision 3 (TO REPORT) shall be followed as soon as possible by a report in writing to the appropriate police department, the county sheriff or local welfare agency. Any report *made by a mandated or voluntary reporter* shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them.

Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 11. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 6a. [FAILURE TO NOTIFY.] If a local welfare agency receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local police department or county sheriff as required by subdivision 3, paragraph (a) or (b), the person within the agency who is responsible for ensuring that notification is made shall be suspended from his or her position without pay for not less than five days. If a local police department or a county sheriff receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local welfare agency as required by subdivision 3, paragraph (a) or (b), the person within the police department or county sheriff's office who is responsible for ensuring that notification is made shall be suspended from his or her position without pay for not less than five days.

Sec. 12. Minnesota Statutes 1984, section 626.556, subdivision 9, is amended to read:

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 (HAS REASONABLE CAUSE) knows or has reason to believe a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Sec. 13. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect,

physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency *for investigating the alleged abuse* includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or *at any facility or other place* where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified (,) *by the responsible local welfare or law enforcement agency* no later than the conclusion of the investigation or assessment (,) that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, *the agency withhold* notification of this interview (BE WITHHELD) from the parent, legal custodian, or guardian. *If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under paragraph (c), and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.*

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification *of intent to interview the child on school property* must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, *whether the child's parents, legal custodian, guardian, or a school official will be permitted to be present during the interview*, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. *For interviews conducted*

by the local law enforcement agency, the notification shall be signed by either the county sheriff or chief of police or their designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare (AGENCY,) or (THE LOCAL) law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is (DEEMED) considered necessary by agreement between the school officials and the local welfare (AGENCY) or (LOCAL) law enforcement agency. Where the school fails to comply with the provisions of this (SECTION) paragraph, the juvenile court may order the school to comply (WITH THIS PROVISION). (SCHOOL OFFICIALS SHALL NOT DISCLOSE TO THE PARENT, LEGAL CUSTODIAN, GUARDIAN, OR PERPETRATOR THAT A REQUEST TO INTERVIEW THE CHILD HAS BEEN MADE UNTIL AFTER THE INVESTIGATION OR ASSESSMENT HAS BEEN CONCLUDED.) Every effort (SHALL) must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

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

(e) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a

guardian ad litem to protect the best interests of the child. If a guardian ad litem is appointed, he shall be present at the hearing on the order to show cause.

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

Sec. 14. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation *except as otherwise permitted by this subdivision*. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Notwithstanding section 138.17, records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to ((C)) (d):

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

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

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

(d) Any notification which has been made a part of a child's school record under subdivision 10 shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision."

Delete the title and insert:

"A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; clarifying requirements following reports of child abuse or neglect; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; 609.379; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 9, 10, 11, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

S. F. No. 198, A bill for an act relating to real property; eliminating the necessity of a court order before requiring registered land surveys; authorizing the use of registered land surveys for multilevel tracts; amending the provisions relating to corporate resolutions of dissolution and to instruments executed by owners whose fee title is held in trust; amending the requirements for joint tenancy clearances; amending Minnesota Statutes 1984, sections 508.47, subdivisions 2 and 4; 508.61, subdivision 3; 508.62; 508.71, subdivision 5; 508A.47, subdivisions 2 and 4; 508A.61, subdivision 3; 508A.62; and 508A.71, subdivision 5.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 9, A resolution memorializing Congress to call a constitutional convention to propose an amendment to the United States Constitution to require a balanced federal budget.

Reported the same back without recommendation.

MINORITY REPORT

March 28, 1985

We, the undersigned, being a minority of the Committee on Judiciary, recommend that H. F. No. 9 do pass with the following amendments:

Delete everything after the title and insert:

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the continuing trend of skyrocketing deficits creates a situation wherein high interest rates, inflation, and a depressed marketplace dominate the national economy; and

Whereas, the escalation of the national debt represents an act of fiscal irresponsibility on the part of federal lawmakers; and

Whereas, there are a number of vehicles whereby the states and the citizens thereof can encourage the Congress of the United States to adopt a balanced federal budget, and among those are memorialization from the state legislature for immediate action and memorialization for Congress to call a federal Constitutional convention; and

Whereas, this legislature seeks immediate action; and

Whereas, this legislature expresses grave concern that a convention called to reopen the Constitution of the United States may not be limited to any singular issue and may in fact jeopardize the Bill of Rights and the other principles embodied in that Constitution which have formed the basis on which this democracy exists; Now, Therefore,

Be It Resolved by the legislature of the State of Minnesota that:

(1) The President shall propose and the Congress shall adopt a balanced federal budget for fiscal year 1987.

(2) Leadership of the Minnesota legislature shall appoint a 16-member select committee for the purpose of exploring with the citizens of Minnesota the appropriateness of calling upon the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to require a balanced federal budget.

Members of the select committee shall be appointed from among members of the state legislature as follows: five appointed by the Speaker of the House, three appointed by the House minority leader, five appointed by the Senate majority leader, and three appointed by the Senate minority leader.

The select committee shall hold one hearing in each congressional district between June 1, 1985, and December 31, 1985, for the purposes of:

(a) providing educational information regarding the convention process as provided by Article V of the United States Constitution, including but not limited to historical perspective, and legal opinions regarding procedures and parameters of a convention; and

(b) eliciting public comment.

Hearings shall be taped for public record. A report of the select committee shall be made to the legislature by January 10, 1986.

Be It Further Resolved that the Secretary of State is directed to transmit copies of this memorial to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

Delete the title and insert:

"A resolution memorializing the President to propose and the Congress to adopt a balanced federal budget; authorizing legislative leadership to appoint a select committee."

RICHARD J. COHEN, JOE QUINN, ROBERT ELLINGSON, DEE LONG, SANDRA L. PAPPAS, ROBERT VANASEK, ANN H. REST and RANDY C. KELLY.

Cohen, Quinn, Ellingson, Long, Pappas, Vanasek, Rest and Kelly moved that the Minority Report on H. F. No. 9 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Anderson, G.	Erickson	Levi	Pauly	Sparby
Anderson, R.	Fjoslien	Lieder	Peterson	Stanius
Backlund	Forsythe	Marsh	Piepho	Sviggum
Battaglia	Frederick	McDonald	Piper	Thiede
Beard	Frederickson	McEachern	Poppenhagen	Thorson
Becklin	Frerichs	McKasy	Price	Tjornhom
Bennett	Greenfield	McLaughlin	Quinn	Tomlinson
Blatz	Gruenes	McPherson	Quist	Tompkins
Boerboom	Gutknecht	Metzen	Redalen	Tunheim
Boo	Halberg	Miller	Rees	Uphus
Brandl	Hartinger	Minne	Rest	Valan
Brinkman	Hartle	Munger	Rice	Valento
Brown	Haukoos	Murphy	Richter	Vanasek
Burger	Heap	Nelson, D.	Rodosovich	Vellenga
Carlson, D.	Himle	Neuenschwander	Rose	Voss
Carlson, J.	Jacobs	Norton	Sarna	Waltman
Carlson, L.	Jennings, L.	O'Connor	Schafer	Welle
Clark	Johnson	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kalis	Olson, S.	Schreiber	Wynia
Cohen	Kiffmeyer	Olson, E.	Seaberg	Zaffke
Dempsey	Knickerbocker	Omann	Segal	Spk. Jennings, D.
DenOuden	Knuth	Onnen	Shaver	
Dimler	Kostohryz	Otis	Simoneau	
Dyke	Krueger	Ozment	Skoglund	
Elioff	Kvam	Pappas	Solberg	

Levi 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 question recurred on the adoption of the Minority Report on H. F. No. 9 and the roll was called.

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

There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Vanasek
Brinkman	Knuth	Neuenschwander	Rice	Vellenga
Brown	Kostohryz	Norton	Riveness	Voss
Carlson, L.	Krueger	O'Connor	Rodosovich	Welle
Clark	Lieder	Ogren	Sarna	Wenzel
Cohen	Long	Olson, E.	Scheid	Wynia
Elioff	McEachern	Osthoff	Schoenfeld	
Greenfield	McLaughlin	Otis	Segal	
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Onnen	Sherman
Backlund	Dyke	Himle	Ozment	Stanisus
Becklin	Erickson	Johnson	Pauly	Sviggum
Bennett	Fjoslien	Kiffmeyer	Piepho	Thiede
Bishop	Forsythe	Knickerbocker	Poppenhagen	Thorson
Blatz	Frederick	Kvam	Quist	Tjornhom
Boerboom	Frederickson	Levi	Redalen	Tomlinson
Boo	Frerichs	Marsh	Rees	Tompkins
Burger	Gruenes	McDonald	Richter	Uphus
Carlson, D.	Gutknecht	McKasy	Rose	Valan
Carlson, J.	Halberg	McPherson	Schafer	Valento
Clausnitzer	Hartinger	Miller	Schreiber	Waltman
Dempsey	Hartle	Olsen, S.	Seaberg	Zaffke
DenOuden	Haukoos	Omann	Shaver	Spk. Jennings, D.

The Minority Report on H. F. No. 9 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Judiciary relating to H. F. No. 9. The Majority Report on H. F. No. 9 was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 876, A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Reported the same back with the following amendments:

Page 1, line 20, delete "*treasurer*" and insert "*board of investment*"

Page 2, line 3, delete "*three*" and insert "*five*"

Page 2, line 8, delete "*and the final*" and insert "*one*"

Page 2, line 9, after "*injuries*" insert "*; one member shall be a professional employed in an industry that deals with hazardous substances; and one member shall be a member of the general public*"

Page 2, line 14, delete "*the first member*" and insert "*two members*"

Page 2, line 15, delete "*the second member*" and insert "*two members*"

Page 2, line 16, delete "*third*" and insert "*fifth*"

Page 2, line 20, after "board" insert "*, with the approval of the commissioner of employee relations,*"

Page 2, line 24, after "employees" insert "*covered under the plan adopted by the commissioner of employee relations under section 43A.18, subdivision 2*"

Page 2, line 32, delete "and" and insert a period

Page 2, line 33, delete everything before the semicolon and insert "*The commissioner of health shall provide staff assistance and administrative services to the board, and the board shall reimburse the commissioner for this staff and these services*"

Page 4, line 16, delete "commissioner" and insert "board"

Page 5, after line 25, insert:

"Subdivision 1. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] A claimant may not commence a court action to recover for compensable injury for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board to recover for any compensable injury for which the person seeks to recover in a pending court action.

Subd. 2. [SUBSEQUENT ACTION PROHIBITED.]"

Page 5, line 26, delete "files or"

Page 5, line 27, after "injury" insert "*and upon whose claim the board has made a determination*"

Page 8, line 12, delete "two"

Page 8, line 14, delete "two"

Page 8, line 15, delete "neither" and insert "no other"

Page 8, after line 31, insert:

"Subd. 5. [DEFENSES.] The fund is not liable for any claim to which a responsible person could prove a defense under section 115B.05."

Page 8, line 35, delete "secretary of the treasury" and insert "commissioner of finance"

Page 9, after line 1, insert:

"The board shall not authorize disbursements or otherwise encumber funds in an amount greater than the amount of money in the fund. Any claim allowed by the board but for which the fund is insufficient to pay the full amount must be left open for payment until the effective date of appropriations following the next legislative session. Approved claims pending on that date shall be paid first, in the order they were decided by the board, out of any new appropriation for the fund."

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

MINORITY REPORT

March 28, 1985

We, the undersigned, being a minority of the Committee on Governmental Operations, recommend that H. F. No. 876 be re-referred to the Committee on Appropriations with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [115B.25] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The terms used in sections 3 to 14 have the definitions given them in section 115B.02 and this section.

Subd. 2. [BOARD.] "Board" means the hazardous substance injury compensation board established in section 4.

Subd. 3. [ELIGIBLE PERSONAL INJURY.] "Eligible personal injury" means personal injury that is eligible for compensation under section 6.

Subd. 4. [COMPENSABLE LOSS.] "Compensable loss" means a loss that is compensable under section 10.

Subd. 5. [FUND.] "Fund" means the hazardous substance injury compensation fund established in section 3.

Sec. 2. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. The state treasurer shall credit to the fund account all amounts received by direct appropriation from the general fund as well as amounts received pursuant to sections 14 and 15. The state treasurer shall invest fund money pursuant to section 11A.25. Earnings, such as interest, dividends, and any

other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [APPROPRIATION.] The amount necessary to pay claims of compensation granted by the board under sections 3 to 14 is appropriated to the board from the hazardous substance injury compensation fund.

Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] Any claim allowed by the board but for which the fund is insufficient to pay the full amount must be left open for payment until the effective date of appropriations following the next legislative session. Approved claims pending on that date shall be paid first, in the order they were decided by the board, out of any new appropriation for the fund.

Sec. 3. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established within the department of health. The board consists of three members appointed by the governor subject to the advice and consent of the senate. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) the first member appointed for six years;*
- (2) the second member appointed for four years;*
- (3) the third member appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.

Sec. 4. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 3 to 14 or in other law, the board shall:

(1) adopt rules, including emergency rules, as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;

(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;

(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and

(4) prepare and transmit to the governor and the legislature a biennial report to include (a) a summary of board activity under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; and (c) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 3 to 14 or in other law, the board may:

(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;

(2) contract for consultant or other services necessary to carry out the board's duties under sections 3 to 14;

(3) grant compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made.

Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide for the administrative needs of the board as provided in this subdivision. The commissioner shall make available by separate budget to the board the staff services, funds for operation, and office space necessary to administer its functions. Upon request by the board, the commissioner shall hire or make available necessary employees and technical services. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations and may assign agency or institution employees to assist the board in performing its duties under sections 3 to 14.

Sec. 5. [ELIGIBLE INJURY AND TIME FOR FILING.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) *the injury is one that is compensable under the workers compensation law, chapter 176;*

(3) *the injury arises out of the ordinary use of a consumer product; or*

(4) *it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.*

Subd. 2. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.

(a) *A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.*

(b) *A claim for compensation for property damage must be filed within two years after the damage occurred.*

Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.

Sec. 6. [115B.30] [OTHER ACTIONS.]

Subdivision 1. [BY CLAIMANT.] Except as provided in subdivision 4, a claimant who receives compensation from the fund may bring a personal injury, wrongful death, or other action in court for damages not compensated by the fund. In any case where the final judgment does not exceed 25 percent of the amount previously recovered from the fund, the court may assess costs and fees, not including attorney fees, against the claimant. A decision by the board to grant or deny compensation is inadmissible as evidence in any court action brought by the claimant to recover for additional injury or damage, except that if a verdict or decision is rendered for the claimant, the court shall take judicial notice of any board decision granting compensation in determining whether or not fees must be assessed as provided in this subdivision, and in entering judgment shall reduce the total damages to the extent already compensated by the fund.

Subd. 2. [SUBROGATION BY STATE.] The state is subrogated to all the claimant's rights to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the claimant. Money recovered by the state under this subdivision must be deposited in the fund.

Subd. 3. [JOINDER OF ACTIONS.] Nothing in subdivision 1 or 2 precludes joinder of actions brought by the state and a claimant or intervention in an action by any party.

Subd. 4. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] *A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 6 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.*

Sec. 7. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] *A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.*

Subd. 2. [REQUIRED INFORMATION.] *A claimant must provide as part of the claim:*

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence of the claimant's exposure to a named hazardous substance;

(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 9, subdivision 3;

(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;

(5) information regarding any collateral sources of compensation; and

(6) other information required by the rules of the board.

Subd. 3. [DEATH CLAIMS.] *In any case in which death is claimed as a compensable injury, the claim may be brought on*

behalf of the claimant by the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.

Sec. 8. [115B.32] [DETERMINATION OF CLAIM.]

Subdivision 1. [STANDARD FOR PERSONAL INJURY.]
The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;

(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and

(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 2. [EFFECT OF PRIOR DECISION; EXCEPTION.]

(a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.

(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.

Sec. 9. [115B.33] [COMPENSABLE LOSSES.]

Subdivision 1. [PERSONAL INJURY LOSSES.] *Losses compensable by the fund for personal injury are limited to:*

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents as follows:

(1) to a spouse with no dependent children, a sum computed by one-half of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum computed by two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum computed by three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse, an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

Sec. 10. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.

Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials

filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] *Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.*

Subd. 4. [CHALLENGES.] *If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.*

Subd. 5. [RECORD.] *Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.*

Subd. 6. [APPEAL.] *A final decision of the board made pursuant to this section is conclusive on all matters decided. There is no right to judicial review of a final decision of the board.*

Sec. 11. [115B.35] [AMOUNT AND FORM OF PAYMENT.]

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and

social security and any emergency award made by the board. The board shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 12. [115B.36] [ATTORNEY FEES.]

The board may by rule limit the fee charged by any attorney for representing a claimant before the board.

Sec. 13. [APPROPRIATION.]

Subdivision 1. [GENERAL.] \$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended.

Subd. 2. [ADMINISTRATIVE EXPENSES.] \$ is appropriated from the general fund to the commissioner of health to pay administrative costs of the hazardous substances injury compensation board, to be available until June 30, 1987. The complement of the department of health is increased by positions which may be in the unclassified service."

Further, delete the title and insert:

"A bill for an act relating to environment; creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, section 115B.07."

RANDY C. KELLY, DEE LONG, WAYNE SIMONEAU, KAREN CLARK, WALLY SPARBY, KATHLEEN VELLENGA, RICHARD A. KRUEGER, PETER G. RODOSOVICH, ALLAN WELLE, DAN KNUTH, PHILLIP RIVENESS and PAT PIPER.

Kelly, Long, Simoneau, Clark, Sparby, Vellenga, Krueger, Rodosovich, Welle, Knuth, Riveness and Piper moved that the Minority Report on H. F. No. 876 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Minority Report on H. F. No. 876 and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Staten
Brandl	Kelly	Nelson, K.	Rest	Tomlinson
Brown	Knuth	Neuenschwander	Rice	Tunheim
Carlson, L.	Kostohryz	Norton	Riveness	Vanasek
Clark	Krueger	O'Connor	Rodosovich	Vellenga
Cohen	Lieder	Ogren	Sarna	Voss
Elioff	Long	Olson, E.	Scheid	Welle
Ellingson	McEachern	Osthoff	Schoenfeld	Wenzel
Greenfield	McLaughlin	Otis	Segal	Wynia
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	DenOuden	Haukoos	Omamn	Shaver
Backlund	Dimler	Heap	Onnen	Sherman
Becklin	Dyke	Himle	Ozment	Stanius
Bennett	Erickson	Johnson	Pauly	Sviggum
Bishop	Fjoslien	Kiffmeyer	Piepho	Thiede
Blatz	Forsythe	Knickerbocker	Poppenhagen	Thorson
Boerboom	Frederick	Kvam	Quist	Tjornhom
Boo	Frederickson	Levi	Redalen	Tompkins
Brinkman	Frerichs	Marsh	Rees	Uphus
Burger	Gruenes	McDonald	Richter	Valan
Carlson, D.	Gutknecht	McKasy	Rose	Valento
Carlson, J.	Halberg	McPherson	Schafer	Waltman
Clausnitzer	Hartinger	Miller	Schreiber	Zaffke
Dempsey	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.

The Minority Report on H. F. No. 876 was not adopted.

The question recurred on the adoption of the Majority Report from the Committee on Governmental Operations relating to H. F. No. 876. The Majority Report on H. F. No. 876 was adopted and H. F. No. 876 was re-referred to the Committee on Appropriations.

SECOND READING OF HOUSE BILLS

H. F. Nos. 9, 58, 145, 230, 255, 315, 368, 399, 405, 418, 449, 476, 484, 507, 558, 571, 618, 626, 636, 650, 654, 718, 725, 730, 812, 882, 889, 894, 916, 928, 937, 940, 947, 951, 953, 991, 998, 1001, 1011, 1037, 1045, 1065, 1107 and 1216 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 483, 196 and 198 were read for the second time.

CALL OF THE HOUSE LIFTED

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

DenOuden; Jennings, L., and Kalis introduced:

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit fees; amending Minnesota Statutes 1984, section 105.44, subdivision 10.

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

Clausnitzer introduced:

H. F. No. 1257, A bill for an act relating to health; prohibiting misrepresentation of certain third-party payments and billing practices; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 146.

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

Svigum and Jennings, L., introduced:

H. F. No. 1258, A bill for an act relating to human services; changing county social service allocations; amending Minnesota Statutes 1984, sections 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; and 256E.09, subdivision 1; repealing Minnesota Statutes 1984, sections 256E.06, subdivision 7; and 256E.08.

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

Kiffmeyer introduced:

H. F. No. 1259, A bill for an act relating to occupations and professions; altering certain class B master electrician licensing requirements; amending Minnesota Statutes 1984, sections 326.01, subdivision 6; and 326.242, subdivision 1.

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

Johnson and Lieder introduced :

H. F. No. 1260, A bill for an act relating to transportation; county state-aid highway fund; repealing the 24-foot restriction in the calculation of money needs; changing the definitions of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; amending Minnesota Statutes 1984, section 162.07, subdivisions 2, 3, and 4; proposing coding for new law in Minnesota Statutes, chapter 162.

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

Valan; Sparby; Anderson, R.; Kalis and Carlson, D., introduced :

H. F. No. 1261, A bill for an act relating to agriculture; creating the Minnesota agriculture finance agency and Minnesota agriculture loan fund; prescribing penalties; authorizing the issuance of state bonds; appropriating money; amending Minnesota Statutes 1984, section 290.01, subdivision 20b; proposing coding for new law as Minnesota Statutes, chapter 17C.

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

Himle, Heap and Clark introduced :

H. F. No. 1262, A bill for an act relating to occupational safety and health; prescribing duties of employers and of employees; providing for standards; providing for the use of investigative information; providing for enforcement mechanisms; amending Minnesota Statutes 1984, sections 182.651, subdivision 14; 182.653, subdivisions 4a, 4b, 4c, 4e, and 4f; 182.654, subdivision 11; 182.655, subdivisions 10 and 10a; 182.659, by adding a subdivision; 182.661, subdivision 1, and by adding a subdivision; 182.668, subdivision 1; and 182.669, subdivision 1.

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

Rose, Munger, Bennett, Skoglund and Redalen introduced :

H. F. No. 1263, A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

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

Johnson introduced:

H. F. No. 1264, A bill for an act relating to real property; providing for federal public land survey monument records; amending Minnesota Statutes 1984, section 381.12, by adding a subdivision.

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

Riveness, Himle, Ogren, Schreiber and Bennett introduced:

H. F. No. 1265, A bill for an act relating to economic development; providing for economic opportunity and arts enterprise zones; amending Minnesota Statutes 1984, sections 273.1312, subdivision 4; 273.1313, subdivision 2; and 273.1314, subdivisions 2, 4, 5, 7, 8, and by adding subdivisions.

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

Frerichs and Bishop introduced:

H. F. No. 1266, A bill for an act relating to Olmsted county; providing for sales, leases, and conveyances; providing certain exceptions to public bidding requirements.

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

Gutknecht introduced:

H. F. No. 1267, A bill for an act relating to government operations; establishing a certification process for set-aside programming in the department of administration; providing penalties; amending Minnesota Statutes 1984, sections 16B.19, subdivisions 2, 5, and 6; 16B.21, subdivision 1; 16B.22; 137.31, subdivision 3; 161.321, subdivisions 3 and 6; 473.129, subdivision 3, and by adding a subdivision; 473.406, subdivision 6; 473.523, by adding a subdivision; and 473.652, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Ozment, Sarna, Haukoos and Norton introduced :

H. F. No. 1268, A bill for an act relating to occupations and professions; providing for licensing of alarm and communication contractors and installers by the board of electricity; amending Minnesota Statutes 1984, sections 326.01, by adding subdivisions; 326.241; 326.242, subdivisions 7 and 8, and by adding subdivisions; 326.243; 326.244, subdivisions 4 and 5; and 326.246.

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

McKasy; Schreiber; Carlson, J.; Clausnitzer and Tompkins introduced :

H. F. No. 1269, A bill for an act relating to taxation; simplifying Minnesota income tax law by increasing conformity to federal income tax law; changing the rates and the rate brackets; amending Minnesota Statutes 1984, sections 13.04, subdivision 2; 41.55; 117.55; 290.01, subdivisions 20, 20a, 20b, 20d, and by adding a subdivision; 290.032, subdivision 2; 290.05, subdivision 3; 290.06, subdivisions 2c, 2d, 3f, 3g, and 11; 290.067, subdivision 1; 290.08, subdivision 1; 290.089, subdivisions 1, 2, and by adding a subdivision; 290.09, subdivisions 1 and 7; 290.091; 290.095, subdivisions 7, 9, and 11; 290.12, subdivisions 1 and 2; 290.14; 290.16, subdivision 1a; 290.18, subdivisions 1 and 2; 290.23, subdivision 3; 290.311, subdivision 1; 290.37, subdivision 1; 290.38; 290.39, subdivision 1a; 290.41, subdivision 2; 290.49, subdivision 10; 290.50, subdivisions 5 and 6; 290.92, subdivisions 2a and 19; 290.9726, subdivision 1; 290.974; and 290A.03, subdivision 3; repealing Minnesota Statutes 1984, sections 41.58, subdivision 3; 41.59, subdivisions 2 and 3; 62E.03, subdivision 2; 290.01, subdivisions 20c and 26; 290.012; 290.06, subdivisions 2f, 3d, 3e, 14, 16, 17, 18, and 19; 290.067, subdivisions 2 and 4; 290.069, subdivision 6; 290.077, subdivision 4; 290.08, subdivisions 23, 24, and 26; 290.089, subdivisions 3, 4, and 6; 290.09, subdivision 29; 290.101; 290.17, subdivision 1a; 290.39, subdivision 2; 290.41, subdivision 5; 290.9726, subdivisions 5 and 6; and Laws 1982, chapter 523, article 7, section 3.

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

Zaffke; Anderson, R., and Staten introduced :

H. F. No. 1270, A bill for an act relating to human services; creating an economic opportunity commission; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Erickson and Frerichs introduced:

H. F. No. 1271, A bill for an act relating to post-secondary education; authorizing the setting of salaries of chief executives; reenacting authority for the state university board to set salaries of executives other than the chancellor; amending Minnesota Statutes 1984, section 135A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1984, section 135A.07, subdivision 2.

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

McLaughlin introduced:

H. F. No. 1272, A bill for an act relating to consumer protection; requiring certain information relating to loan and residential real estate closing costs to be provided to buyers; governing the application of hazard insurance proceeds to a mortgage loan, and clarifying liability for failure to pay premiums; establishing rates for title and mortgage insurance; proposing coding for new law in Minnesota Statutes, chapters 68A, 70A, and 325G.

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

Forsythe and Pauly introduced:

H. F. No. 1273, A bill for an act relating to the city of Edina; providing that survivors' benefits of firemen's service association be paid as provided by general law; repealing Laws 1965, chapter 592, section 4, as amended.

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

Piepho; Thorson; Levi; Nelson, D., and Kiffmeyer introduced:

H. F. No. 1274, A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Pappas introduced:

H. F. No. 1275, A bill for an act relating to utilities; providing for notice to customer of impending disconnection of service on specific day; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Beard, Price and Rodosovich introduced:

H. F. No. 1276, A bill for an act relating to education; authorizing programs to check pupils' vision and hearing; authorizing state aid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123.

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

Beard, Otis and Riveness introduced:

H. F. No. 1277, A bill for an act relating to unemployment compensation; creating a training and jobs program; amending Minnesota Statutes 1984, section 268.08, by adding a subdivision.

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

Marsh, Staten, Kelly, Clausnitzer and Hartinger introduced:

H. F. No. 1278, A bill for an act relating to controlled substances; prescribing "small amount" of marijuana; clarifying certain Schedule II controlled substances; amending Minnesota Statutes 1984, sections 152.01, subdivision 16; and 152.02, subdivision 3.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Waltman, Frerichs, Uphus and Rees introduced:

H. F. No. 1279, A bill for an act relating to natural resources; making groundwater protection a watershed district purpose; establishing a procedure for increasing the number of watershed

district managers; defining certain proceedings as contested cases; providing a procedure for noncontroversial proceedings; allowing demands for contested case hearings in certain proceedings; amending Minnesota Statutes 1984, sections 112.36, subdivision 2; 112.37, subdivision 1a; and 112.401; proposing coding for new law in Minnesota Statutes, chapter 112; repealing Minnesota Statutes 1984, section 112.37, subdivision 6.

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

Burger and Murphy introduced:

H. F. No. 1280, A bill for an act relating to labor; providing for fair labor standard practice; providing penalties; amending Minnesota Statutes 1984, sections 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 181.79, subdivision 1; 181A.04, subdivision 3; and 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Kostohryz, Osthoff, Bishop, Omann and Price introduced:

H. F. No. 1281, A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the licensee for purses; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.25, subdivisions 1 and 4; and 240.29.

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

Blatz, Vanasek, Haukoos, Schreiber and Metzen introduced:

H. F. No. 1282, A bill for an act relating to local government; regulating municipal employee residency requirements; exempting certain firefighters; amending Minnesota Statutes 1984, section 415.16, by adding a subdivision.

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

Long, Riveness and Dempsey introduced:

H. F. No. 1283, A bill for an act relating to children; establishing a presumption in favor of joint legal and physical custody when both parents agree; establishing a preference for joint custody when one parent requests it; establishing a preference for awarding sole custody to the parent more likely to allow the child frequent and continuing contact with the noncustodial parent; requiring courts to make specific findings and rulings in apportioning custody; providing for modification of custody orders; mandating that access to health and school records be available to parents regardless of custody arrangements; amending Minnesota Statutes 1984, section 518.17, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Frederickson, Boerboom, Dyke, Miller and McPherson introduced:

H. F. No. 1284, A bill for an act relating to taxation; property; increasing state school agricultural credits; amending Minnesota Statutes 1984, section 124.2137, subdivision 1.

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

Segal, Vellenga, Greenfield and Clark introduced:

H. F. No. 1285, A bill for an act relating to taxation; income; providing an itemized deduction for post-secondary tuition payments; amending Minnesota Statutes 1984, section 290.089, subdivision 2, and by adding a subdivision.

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

Segal, Staten, Clark, Vellenga and Rest introduced:

H. F. No. 1286, A bill for an act relating to child abuse; requiring the department of human services and the bureau of criminal apprehension to develop training programs for professionals involved in child abuse detection and intervention assessments and investigations; providing for a surcharge on birth certificate filings to fund training programs; appropriating money; amending Minnesota Statutes 1984, section 144.226; proposing coding for new law in Minnesota Statutes, chapter 626.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Rose introduced:

H. F. No. 1287, A bill for an act relating to the environment; providing a PCB amnesty program; prohibiting installation of PCB products in public buildings; requiring PCB products to be removed from public buildings according to a schedule; providing for notification of fire departments of PCB products; providing for burning of PCB oil; appropriating money; amending Minnesota Statutes 1984, sections 116.36, subdivision 1, and by adding subdivisions; and 116.37, subdivisions 1, 2, 3, 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Nelson, K., introduced:

H. F. No. 1288, A bill for an act relating to Hennepin county; providing for the operation of the Hennepin county park reserve district; regulating its tax levies; amending Laws 1967, chapter 721, section 2, as amended.

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

Nelson, D., and Rose introduced:

H. F. No. 1289, A bill for an act relating to metropolitan government; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, section 473.704, by adding a subdivision.

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

Boo, Norton, Blatz and Clark introduced:

H. F. No. 1290, A bill for an act relating to human services; transferring the child care sliding fee program to the department of economic security; expanding the child care sliding fee program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256; and repealing Minnesota Statutes 1984, sections 245.84, subdivision 2; and 245.87.

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

Onnen introduced:

H. F. No. 1291, A bill for an act relating to insurance; accident and health; requiring coverage for home health care and care in skilled or intermediate care facilities; regulating long-term nursing care policies; amending Minnesota Statutes 1984, section 62A.31; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Dempsey introduced:

H. F. No. 1292, A bill for an act relating to human services; changing nursing home prohibited practices for participation in medical assistance; amending Minnesota Statutes 1984, section 256B.48, subdivision 1.

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

Peterson, Wenzel and Krueger introduced:

H. F. No. 1293, A bill for an act relating to commerce; requiring the repair, refund, or replacement of new motor vehicles used for agricultural purposes; amending Minnesota Statutes 1984, section 925F.665, subdivision 1.

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

Dyke, Tjornhom, Waltman and Sparby introduced:

H. F. No. 1294, A bill for an act relating to motor vehicles; expanding definition of "motorized bicycle" to include motor scooters; amending Minnesota Statutes 1984, sections 168.011, subdivision 27; 169.01, subdivision 4a; and 171.01, subdivision 20.

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

Rose introduced :

H. F. No. 1295, A bill for an act relating to health ; authorizing the commissioner of health to inspect certain business premises ; classifying investigation information ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Dempsey ; Olsen, S., and Ellingson introduced :

H. F. No. 1296, A bill for an act relating to collection and dissemination of data ; classifying government data as confidential, private, nonpublic, protected nonpublic, and public ; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and classifications of inactive investigative data ; refining provisions of the data practices act ; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions ; 13.08, subdivision 1 ; 13.32, subdivision 1 ; 13.37, subdivision 2 ; 13.39, by adding a subdivision ; 13.46, subdivisions 3 and 10 ; 13.65, subdivision 1 ; 13.71 ; 13.72, by adding subdivisions ; 13.82, subdivision 5, and by adding subdivisions ; 13.83, by adding a subdivision ; and 13.84, subdivisions 1 and 6 ; proposing coding for new law in Minnesota Statutes, chapter 13 ; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

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

Clausnitzer, Blatz, Quist and Vellenga introduced :

H. F. No. 1297, A bill for an act relating to crimes ; clarifying mandatory testing of a driver suspected of driving under the influence of alcohol ; amending Minnesota Statutes 1984, section 169.123, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Bishop ; Begich ; Jacobs ; Carlson, D., and Hartle introduced :

H. F. No. 1298, A bill for an act relating to traffic regulations ; defining the offense of wasting natural resources and providing a penalty ; providing that these violations not be recorded on individual records ; amending Minnesota Statutes 1984, section 169.141, by adding a subdivision.

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

Shaver, McPherson, Miller, Boerboom and Gutknecht introduced:

H. F. No. 1299, A bill for an act relating to elections; prohibiting contribution of money from dues or fees by labor organizations to political funds; amending Minnesota Statutes 1984, section 10A.12, subdivision 5.

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

Rose, Thorson, Begich, Battaglia and Carlson, D., introduced:

H. F. No. 1300, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

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

Bishop; Jennings, D.; Boo and Piper introduced:

H. F. No. 1301, A bill for an act relating to health; establishing a procedure for declaration by competent adults that life-prolonging procedures may be withheld or withdrawn; providing a form; providing for revocation; establishing procedures in absence of a living will; providing for immunity from liability; providing for penalties; specifying effect on insurance and during pregnancy; preserving existing consensual medical treatment rights; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Bishop introduced:

H. F. No. 1302, A bill for an act relating to mental health; establishing a legislative commission to study the need for regulation of psychotherapists.

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

Marsh, Wenzel, Peterson and Pauly introduced:

H. F. No. 1303, A bill for an act relating to taxation; changing the procedure for the calculation of the rate on gasoline and special fuel taxes; amending Minnesota Statutes 1984, sections 296.02, subdivision 1b, and by adding a subdivision; and 296.025, subdivision 1.

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

Svigum, Waltman and Welle introduced:

H. F. No. 1304, A bill for an act relating to corrections; appropriating money for the community corrections act.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

McKasy, Stanius and Seaberg introduced:

H. F. No. 1305, A bill for an act relating to corporations; regulating corporate take-overs; providing a hearing; removing statutory regulation of control share acquisitions; amending Minnesota Statutes 1984, section 80B.03, subdivision 5; repealing Minnesota Statutes 1984, sections 302A.011, subdivisions 37, 38, and 39; 302A.449, subdivision 7; and 302A.671.

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

Hartle, Rose, McEachern and Anderson, G., introduced:

H. F. No. 1306, A bill for an act relating to education; establishing a foundation aid formula allowance for the 1985-1986 and 1986-1987 school years; amending Minnesota Statutes 1984, section 124A.02, subdivision 9.

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

Seaberg and Halberg introduced:

H. F. No. 1307, A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

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

Schafer and Valento introduced:

H. F. No. 1308, A bill for an act relating to the city of Gaylord; authorizing the issuance of general obligation bonds to finance the acquisition and betterment of municipal buildings.

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

Richter introduced:

H. F. No. 1309, A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

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

Cohen introduced:

H. F. No. 1310, A bill for an act relating to courts; real property; clarifying when a person seeking a moratorium on foreclosure of a mortgage or delay on cancellation of a contract for deed must pay costs and fees of the mortgagee or vendor; amending Minnesota Statutes 1984, section 583.04.

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

Johnson; Lieder; Schreiber; Carlson, D., and Kalis introduced:

H. F. No. 1311, A bill for an act relating to the state transportation system; authorizing the issuance and sale of state transportation bonds; authorizing the expenditure of the proceeds for bridge and related purposes; appropriating money; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

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

Carlson, D., introduced:

H. F. No. 1312, A bill for an act relating to natural resources; permitting three-wheel off-road vehicles to use state snowmobile trails and the back slope and bottom of highway ditches; amending Minnesota Statutes 1984, sections 84.928; and 85.015, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 85.

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

Boo; Bishop; Carlson, L.; Haukoos and Tjornhom introduced :

H. F. No. 1313, A bill for an act relating to post-secondary education; changing student financial assistance; amending Minnesota Statutes 1984, sections 136A.09; 136A.095; 136A.101; 136A.121; 136A.132, subdivisions 3, 5, and 6; and 136A.162; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1984, section 136A.121, subdivisions 8 and 14.

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

Boo and Bishop introduced :

H. F. No. 1314, A bill for an act relating to health; limiting liability of a professional standards review organization for failure to provide medical care or treatment; amending Minnesota Statutes 1984, section 145.63.

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

Battaglia, Elioff, Minne and Begich introduced :

H. F. No. 1315, A bill for an act relating to the environment; directing the state planning director to encourage recycling; amending Minnesota Statutes 1984, section 116K.04, subdivision 1.

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

Brinkman and Welle introduced :

H. F. No. 1316, A bill for an act relating to local government; increasing the amount that a county board may credit to the sheriff's contingency fund; amending Minnesota Statutes 1984, section 387.212.

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

Brinkman introduced:

H. F. No. 1317, A bill for an act relating to agriculture; requiring reason for lender's refusal to respond with letter of commitment; requiring response to be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

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

Dimler and Rees introduced:

H. F. No. 1318, A bill for an act relating to environment; amending the authority of the metropolitan waste control commission with regard to the siting and operation of sewage sludge disposal facilities; amending Minnesota Statutes 1984, section 473.153, subdivisions 1, 2, and 7.

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

Begich and Battaglia introduced:

H. F. No. 1319, A bill for an act relating to St. Louis county; providing a retirement contribution exemption for emergency jobs program employees; amending Laws 1984, chapter 501, section 1.

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

Segal, Pappas and Wynia introduced:

H. F. No. 1320, A bill for an act relating to human services; providing for a volunteer respite care demonstration project; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Shaver introduced:

H. F. No. 1321, A bill for an act relating to natural resources; altering certain revenue and fee provisions for state parks, recreation areas, and waysides; amending Minnesota Statutes 1984, sections 85.05, subdivisions 1 and 2; and 85.22, subdivision 2a.

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

Omann, Brinkman, Minne, Dempsey and Carlson, D., introduced:

H. F. No. 1322, A bill for an act relating to local government aid; restoring aid to towns; amending Minnesota Statutes 1984, section 477A.013, subdivision 1.

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

Shaver, Brinkman, Tjornhom and Scheid introduced:

H. F. No. 1323, A bill for an act relating to taxation; property; providing homestead treatment to certain homesteads under construction; amending Minnesota Statutes 1984, section 273.13, subdivision 7.

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

Zaffke introduced:

H. F. No. 1324, A bill for an act relating to intoxicating liquor; allowing Shingobee township to issue and renew certain off-sale licenses.

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

Zaffke introduced:

H. F. No. 1325, A bill for an act relating to game and fish; authorizing nonresident owners of property within the state to purchase angling licenses at resident fees; amending Minnesota Statutes 1984, section 98.46, by adding a subdivision.

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

Wenzel introduced:

H. F. No. 1326, A bill for an act relating to agriculture; providing for state payment of a portion of federal crop insurance premiums; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Boo, Piper and Vellenga introduced:

H. F. No. 1327, A bill for an act relating to human services; establishing the position of coordinator for state outreach efforts concerning the federal food stamp program and other emergency food assistance; providing for a food stamp information hotline; providing for an advisory task force on outreach; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Simoneau introduced:

H. F. No. 1328, A bill for an act relating to government data practices; providing that a complaint or charge against an employee that does not result in disciplinary action is private data; amending Minnesota Statutes 1984, section 13.43, subdivision 2.

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

Stanisus introduced:

H. F. No. 1329, A bill for an act relating to transportation; defining city for purposes of including town with population of 5,000 or more in municipal state-aid street system; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision.

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

Becklin and Hartinger introduced:

H. F. No. 1330, A bill for an act relating to insurance; providing that insurers or health maintenance organizations must not require a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or employees; amending Minnesota Statutes 1984, section 471.61, subdivision 2a.

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

Onnen, Wynia, Stanius, Rest and Segal introduced:

H. F. No. 1331, A bill for an act relating to health; establishing a system of regional poison information centers; providing for less frequent applications and less frequent program reporting; rescinding permission for poison control centers to contract with centers in other states; amending Minnesota Statutes 1984, section 145.93, subdivisions 1, 3, 4, and 6; repealing Minnesota Statutes 1984, section 145.93, subdivision 5.

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

Wynia, Rest, Valento, Vellenga and Pauly introduced:

H. F. No. 1332, A bill for an act relating to municipalities; excluding programs licensed by the department of corrections from the residential programs that are considered a permitted single family residential use of property for purposes of zoning; amending Minnesota Statutes 1984, sections 245.812, subdivision 3; and 462.357, subdivision 7.

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

McDonald; Carlson, D., and Ogren introduced:

H. F. No. 1333, A bill for an act relating to education; providing for an alcohol fuel pilot project; appropriating money.

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

Pauly, Shaver, Skoglund and Nelson, K., introduced:

H. F. No. 1334, A bill for an act relating to taxation; providing an income tax credit for contributions to a public radio or television station; amending Minnesota Statutes 1984, sections 290.06, by adding a subdivision; and 290.089, subdivision 2.

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

Sarna introduced:

H. F. No. 1335, A bill for an act relating to retirement; providing for the offset of disability pension payments with workers' compensation payments; allowing the offset to occur for salary levels where a person could have been promoted; amending Minnesota Statutes 1984, section 423A.14, subdivision 1.

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

Sarna introduced:

H. F. No. 1336, A bill for an act relating to retirement; granting the authority to firefighter relief associations in cities of the first class to elect retired members to the associations' board of directors; amending Minnesota Statutes 1984, section 69.26.

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

Sarna introduced:

H. F. No. 1337, A bill for an act relating to retirement; providing for the return to work of a police officer, firefighter and the provision of service credit for certain periods of disability; amending Minnesota Statutes 1984, section 423A.15.

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

Carlson, L.; Greenfield; Munger; Schoenfeld and Rest introduced:

H. F. No. 1338, A bill for an act relating to the state university board; authorizing it to sell and maintain computers and related products; amending Minnesota Statutes 1984, section 136.24.

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

Rose introduced:

H. F. No. 1339, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

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

Rose introduced:

H. F. No. 1340, A bill for an act relating to wild animals; increasing certain game, fish, and related license and other fees; amending Minnesota Statutes 1984, sections 97.4841, subdivision 3; 97.4842, subdivision 2; 98.46, subdivisions 2 and 14; 98.47, subdivision 1; and 100.271, subdivision 2.

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

Frerichs, Boo, Greenfield and Rose introduced:

H. F. No. 1341, A bill for an act relating to post-secondary education; limiting the use of unexpended balances; prohibiting amounts carried forward from being deducted from later appropriations; amending Minnesota Statutes 1984, sections 135A.03, subdivision 4; 136.031; 136.67, subdivision 5; and 136C.04, subdivision 4a.

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

Scheid and Rest introduced :

H. F. No. 1342, A bill for an act relating to human services; establishing requirements for notices to municipalities concerning the establishment of programs for disabled and dependent persons; amending Minnesota Statutes 1984, section 245.821, subdivision 1.

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

Bennett introduced :

H. F. No. 1343, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

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

Wynia and Greenfield introduced :

H. F. No. 1344, A bill for an act relating to human services; allowing families with children to receive aid to families with dependent children benefits through the general assistance program under certain circumstances; amending Minnesota Statutes 1984, section 256D.01, subdivision 1a.

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

Tunheim introduced :

H. F. No. 1345, A bill for an act relating to state lands; authorizing the sale of certain state lands in Lake of the Woods county.

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

Schoenfeld, Peterson and McEachern introduced:

H. F. No. 1346, A bill for an act relating to education; establishing a pilot program to demonstrate the use of technology in industrial arts programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129B.

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

Kelly, Hartinger, Scheid, Kiffmeyer and Osthoff introduced:

H. F. No. 1347, A bill for an act relating to judges; providing for the election of incumbent judges by submitting to the voters whether they should succeed themselves; amending Minnesota Statutes 1984, sections 204B.06, subdivision 6, and by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivisions 4 and 5; 204D.08, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

Wenzel, Hartinger, Uphus, Jacobs and Zaffke introduced:

H. F. No. 1348, A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Levi; Anderson, R.; Backlund; Hartinger and Minne introduced:

H. F. No. 1349, A bill for an act relating to human services; appropriating money for services to persons who are both deaf and blind.

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

Sarna introduced:

H. F. No. 1350, A bill for an act relating to game and fish; establishing the second weekend of the angling season as Take a Kid Fishing Weekend; amending Minnesota Statutes 1984, section 98.45, by adding a subdivision.

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

Bishop and Jacobs introduced:

H. F. No. 1351, A bill for an act relating to energy; energy assistance; establishing eligibility standards for heating assistance and weatherization; providing that assistance shall be based on actual heating costs; allocating funds for the weatherization program; amending Minnesota Statutes 1984, section 268.37, subdivisions 3, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

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

Bishop and Jacobs introduced:

H. F. No. 1352, A bill for an act relating to energy; requiring approval by the legislative commission on energy of certain expenditures and plans; amending Minnesota Statutes 1984, section 3.351, subdivisions 2 and 3.

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

Clark introduced:

H. F. No. 1353, A bill for an act relating to health; clarifying issues relating to patient access to medical records; amending Minnesota Statutes 1984, section 144.335, subdivision 2.

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

Bishop, Erickson, Pappas, Blatz and Valento introduced:

H. F. No. 1354, A bill for an act relating to missing children; authorizing the development of voluntary fingerprinting programs in schools; requiring schools to develop policies on notifying parents whose children are absent from school; requiring that certain documents be provided to schools when new students enroll; requiring the commissioner of public safety to distribute information bulletins on missing children; amending Minnesota Statutes 1984, section 299C.53, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 123.

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

Clark; Anderson, R., and Battaglia introduced:

H. F. No. 1355, A bill for an act relating to corrections; providing funding for the commissioner of corrections to develop a pilot counseling program for Native American inmates of state correctional facilities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Clark introduced:

H. F. No. 1356, A bill for an act relating to human services; providing for the funding of a demonstration project for certain combined senior citizen and child care facilities; appropriating money.

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

Bishop, Backlund, Quinn, McDonald and Jacobs introduced:

H. F. No. 1357, A bill for an act relating to energy utility service; assuring reasonable energy costs for residents of manufactured home parks; amending Minnesota Statutes 1984, sections 216B.15; 216B.57; 216B.62, by adding a subdivision; 216B.64; and 327C.04, by adding subdivisions.

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

Tunheim; Carlson, D., and Welle introduced:

H. F. No. 1358, A bill for an act relating to education; changing the cost differential tier to include a parity factor; amending Minnesota Statutes 1984, section 124A.06, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1984, section 124A.06, subdivisions 2 and 3a.

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

Bishop, McKasy, Seaberg, Ellingson and Dempsey introduced:

H. F. No. 1359, A bill for an act relating to state government; providing for indemnification of judges and employees of the legislative and judicial branches from tort, civil, or equitable claims; preserving immunities; amending Minnesota Statutes 1984, sections 3.732, subdivision 1; and 3.736, subdivisions 1 and 9.

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

Zaffke, Frerichs, Sparby and Bennett introduced:

H. F. No. 1360, A bill for an act relating to housing; providing for a product standard for formaldehyde in building materials used in the construction of housing units; amending Minnesota Statutes 1984, section 325F.18, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivision 5.

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

Ozment; Hartinger; Becklin; Jennings, L., and McPherson introduced:

H. F. No. 1361, A bill for an act relating to environment; requiring the provision of alternate water supplies in the event of contamination by hazardous waste; requiring the adoption of rules relating to alternate water supplies; amending Minnesota Statutes 1984, section 115B.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115B.

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

Bennett, Valento, Kelly and Seaberg introduced:

H. F. No. 1362, A bill for an act relating to animals; changing certain requirements; changing the size of the Minnesota humane society; changing the application of certain animal laws; transferring the responsibility for administration and enforcement of certain animal laws; amending Minnesota Statutes 1984, sections 343.01, subdivision 3; 343.21, subdivision 6; 343.33; 346.36, subdivision 1; 346.39, subdivision 6; 347.09; 347.31, subdivision 2; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39.

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

Minne, Elioff, Battaglia, Solberg and Begich introduced:

H. F. No. 1363, A bill for an act relating to the financing of state government; authorizing the issuance of bonds by independent school district No. 701; allowing a credit against certain taxes paid by taconite producers; amending Minnesota Statutes 1984, section 298.24, subdivision 3.

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

Boo and Munger introduced:

H. F. No. 1364, A bill for an act relating to retirement; Duluth police relief association; consolidation into the public employees police and fire fund; terminating the Duluth police relief association; transferring of assets and records; repealing Laws 1949, chapter 153; Laws 1953, chapter 91; Laws 1955, chapter 187; Laws 1959, chapter 191; Laws 1975, chapter 408; Laws 1976, chapter 99; and Laws 1980, chapter 600, section 11.

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

Clausnitzer and Vellenga introduced:

H. F. No. 1365, A bill for an act relating to crimes; providing for the application of certain traffic regulations; eliminating redundant and surplus language; amending Minnesota Statutes 1984, sections 169.02, subdivision 1; and 169.121, subdivision 1; repealing Minnesota Statutes 1984, section 169.13, subdivision 3.

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

Boo, Murphy and Clark introduced :

H. F. No. 1366, A bill for an act relating to economic security; providing funding for the displaced homemaker program; amending Minnesota Statutes 1984, section 517.08, subdivisions 1b and 1c.

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

Carlson, J., introduced :

H. F. No. 1367, A bill for an act relating to historical interpretive centers; conforming certain laws to a name change; amending Minnesota Statutes 1984, section 138.93, subdivision 3.

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

Krueger and Brown introduced :

H. F. No. 1368, A bill for an act relating to public safety; education; appropriating money to design a rural emergency response training facility.

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

Carlson, J., introduced :

H. F. No. 1369, A bill for an act relating to retirement; Moorhead police and firefighters relief associations; consolidation into the public employees police and fire fund; terminating the special fund of the Moorhead firefighters relief association; transferring of assets and records; repealing Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27 to 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Beard and Price introduced :

H. A. No. 10, A proposal to study the transportation system in the metropolitan area.

The advisory was referred to the Committee on Transportation.

Kalis, Rose, Schafer, Battaglia and Fjoslien introduced :

H. A. No. 11, A proposal to study the feasibility of an open season upon crows.

The advisory was referred to the Committee on Environment and Natural Resources.

Vanasek, Heap, Zaffke, Brown and Staten introduced :

H. A. No. 12, A proposal to determine whether the public policy objectives of DBE/WBE programs are being met.

The advisory was referred to the Committee on Governmental Operations.

Pappas, Wynia, Clark, Staten and Jaros introduced :

H. A. No. 13, A proposal to study low income housing alternatives.

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

Burger, Hartinger, Knickerbocker, Clark and Otis introduced :

H. A. No. 14, A proposal to study group bonus payments to all state and university employees.

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

H. F. No. 329, A bill for an act relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.-8463.

H. F. No. 509, A bill for an act relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

Senate Concurrent Resolution No. 9, A senate concurrent resolution relating to joint rules; adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

Senate Concurrent Resolution No. 9 was referred to the Committee on Rules and Legislative Administration.

Mr. Speaker:

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

S. F. Nos. 40 and 542.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 40, A bill for an act relating to transportation; traffic regulations; defining "passenger vehicle"; requiring use of seat belts by passenger vehicle drivers and passengers; imposing a penalty; amending Minnesota Statutes 1984, sections 169.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

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

S. F. No. 542, A bill for an act relating to local improvements; providing for advertisement for bids in certain publications; amending Minnesota Statutes 1984, section 429.041, subdivision 1.

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

CONSENT CALENDAR

H. F. No. 461, A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Omann	Sherman
Anderson, R.	Erickson	Kvam	Onnen	Simoneau
Backlund	Fjoslien	Levi	Osthoff	Skoglund
Battaglia	Forsythe	Lieder	Otis	Solberg
Beard	Frederick	Long	Ozment	Sparby
Becklin	Frederickson	Marsh	Pauly	Stanisus
Begich	Frerichs	McDonald	Peterson	Staten
Bennett	Greenfield	McEachern	Piper	Sviggum
Bishop	Gruenes	McKasy	Poppenhagen	Thiede
Blatz	Gutknecht	McLaughlin	Price	Thorson
Boerboom	Hartinger	McPherson	Quinn	Tjornhom
Bco	Hartle	Metzen	Redalen	Tomlinson
Brandl	Himle	Miller	Rees	Tompkins
Brinkman	Jacobs	Minne	Rice	Tunheim
Brown	Jaros	Munger	Richter	Uphus
Carlson, D.	Jennings, L.	Murphy	Riveness	Valento
Carlson, J.	Johnson	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Kahn	Nelson, K.	Rose	Vellenga
Clausnitzer	Kalis	Neuenschwander	Sarna	Waltman
Cohen	Kelly	Norton	Schafer	Welle
DenOuden	Kiffmeyer	O'Connor	Scheid	Wenzel
Dimler	Knickerbocker	Ogren	Schoenfeld	Wynia
Dyke	Knuth	Olsen, S.	Scgal	Spk. Jennings, D.
Elioff	Kostohryz	Olson, E.	Shaver	

Those who voted in the negative were:

Voss

The bill was passed and its title agreed to.

H. F. No. 535, A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Fjoslien	Kvam	Osthoff	Sherman
Anderson, R.	Forsythe	Levi	Otis	Simoneau
Backlund	Frederick	Lieder	Pauly	Skoglund
Battaglia	Frederickson	Long	Peterson	Solberg
Beard	Frerichs	Marsh	Piper	Sparby
Begich	Greenfield	McDonald	Poppenhagen	Stanius
Bennett	Gruenes	McEachern	Price	Staten
Blatz	Gutknecht	McKasy	Quinn	Sviggum
Boo	Halberg	McLaughlin	Quist	Thorson
Brandl	Hartinger	McPherson	Redalen	Tomlinson
Brinkman	Hartle	Metzen	Rees	Tompkins
Brown	Himle	Miller	Rest	Tunheim
Burger	Jacobs	Minne	Rice	Uphus
Carlson, J.	Jaros	Munger	Richter	Valento
Carlson, L.	Jennings, L.	Murphy	Riveness	Vanasek
Clark	Johnson	Nelson, D.	Rodosovich	Vellenga
Clausnitzer	Kahn	Nelson, K.	Rose	Voss
Cohen	Kalis	Neuenschwander	Sarna	Waltman
Dempsey	Kelly	Norton	Schafer	Welle
Dimler	Kiffmeyer	O'Connor	Scheid	Wenzel
Dyke	Knickerbocker	Ogren	Schoenfeld	Wynia
Elioff	Knuth	Olsen, S.	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Olson, E.	Segal	
Erickson	Krueger	Onnen	Shaver	

The bill was passed and its title agreed to.

H. F. No. 537 was reported to the House.

Neuenschwander and Solberg moved to amend H. F. No. 537, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1965, chapter 326, section 1, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes (1961), section 282.08, clause ((4)) (3), (AS AMENDED BY LAWS 1963, CHAPTER 519,) the county board of Itasca county out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota

Statutes (1961), section 282.08, clauses (1) (,) and (2), (AND (3)) may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the following purposes.

Sec. 2. Laws 1965, chapter 326, section 1, subdivision 4, is amended to read:

Subd. 4. Acquisition and maintenance of county parks or recreational areas as defined in Minnesota Statutes (1961), sections 398.31 through 398.36.

Sec. 3. Laws 1965, chapter 326, section 1, subdivision 5, as amended by Laws 1975, chapter 110, section 1, is amended to read:

Subd. 5. ([ITASCA COUNTY;) Promotion of tourist, agricultural and industrial (DEVELOPMENTS) *development*. (]) The amount to be spent annually for the purposes of this subdivision shall not exceed (40 CENTS) \$1 per capita of the county's population.

Sec. 4. Laws 1965, chapter 326, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT,) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners.

Sec. 5. Laws 1967, chapter 170, section 1, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Section 282.08, Clause ((4)) (3), the county board of Koochiching county, out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota Statutes, Section 282.08, Clauses (1) (,) and (2), (AND (3)) may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the purposes set forth in subdivisions 2 to 7.

Sec. 6. Laws 1967, chapter 170, section 1, subdivision 5, is amended to read:

Subd. 5. Promotion of tourist, agricultural and industrial developments. The amount to be spent annually for the purposes

of this subdivision shall not exceed (25 CENTS) \$1 per capita of the county's population.

Sec. 7. Laws 1967, chapter 170, section 1, subdivision 7, is amended to read:

Subd. 7. Any balance shall be apportioned as follows: (STATE, 10 PERCENT;) county, (30) 40 percent; town, village or city, 20 percent; and school district, 40 percent; provided, however, that in unorganized territories that portion which should have accrued to the township shall be administered by the county board of commissioners.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Itasca county.

Sections 5 to 7 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Koochiching county."

Delete the title and insert:

"A bill for an act relating to local government; changing the permissible expenditures on tourist, agricultural, and industrial promotion for Itasca county and Koochiching county; changing apportionment of certain proceeds from forfeited land sales in Itasca county and Koochiching county; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7; and Laws 1967, chapter 170, section 1, subdivisions 1, 5, and 7."

The motion prevailed and the amendment was adopted.

H. F. No. 537, A bill for an act relating to local government; changing the permissible expenditures on tourist, agricultural, and industrial promotion for Itasca county and Koochiching county; changing apportionment of certain proceeds from forfeited land sales in Itasca county and Koochiching county; amending Laws 1965, chapter 326, section 1, subdivisions 1, 4, 5, as amended, and 7; and Laws 1967, chapter 170, section 1, subdivisions 1, 5, and 7.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Pauly	Skoglund
Anderson, R.	Forsythe	Lieder	Peterson	Solberg
Backlund	Frederick	Long	Piepho	Sparby
Battaglia	Frederickson	Marsh	Piper	Stanins
Beard	Frerichs	McDonald	Poppenhagen	Staten
Becklin	Greenfield	McKasy	Price	Sviggum
Begich	Gruenes	McLaughlin	Quinn	Thiede
Bennett	Gutknecht	McPherson	Quist	Thorson
Blatz	Halberg	Metzen	Redalen	Tjornhom
Boerboom	Hartinger	Miller	Rees	Tomlinson
Brandt	Hartle	Minne	Rest	Tompkins
Brinkman	Haukoos	Munger	Rice	Tunheim
Brown	Himle	Murphy	Richter	Uphus
Burger	Jacobs	Nelson, D.	Riveness	Valan
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Valento
Carlson, J.	Jennings, L.	Neuenschwander	Rose	Vanasek
Carlson, L.	Johnson	Norton	Sarna	Vellenga
Clark	Kahn	O'Connor	Schafer	Voss
Clausnitzer	Kalis	Ogren	Scheid	Waltman
Cohen	Kelly	Olsen, S.	Schoenfeld	Welle
Dempsey	Kiffmeyer	Olson, E.	Schreiber	Wenzel
Dimler	Knickerbocker	Omann	Seaberg	Wynia
Dyke	Knuth	Onnen	Segal	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	
Erickson	Kvam	Ozment	Simoneau	

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

H. F. No. 585, A bill for an act relating to local government; providing for exceptions to conflict of interest rules; regulating local officials; amending Minnesota Statutes 1984, section 471.88, subdivisions 5 and 8.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Haukoos	McDonald	Omann
Anderson, R.	DenOuden	Himle	McEachern	Onnen
Backlund	Dyke	Jaros	McKasy	Otis
Battaglia	Elioff	Jennings, L.	McLaughlin	Ozment
Becklin	Ellingson	Johnson	McPherson	Pappas
Begich	Erickson	Kahn	Metzen	Pauly
Bennett	Fjoslien	Kalis	Miller	Peterson
Blatz	Forsythe	Kelly	Minne	Piepho
Boerboom	Frederick	Kiffmeyer	Munger	Piper
Brinkman	Frederickson	Knickerbocker	Murphy	Poppenhagen
Brown	Frerichs	Knuth	Nelson, D.	Price
Burger	Greenfield	Kostohryz	Nelson, K.	Quist
Carlson, D.	Gruenes	Kvam	Neuenschwander	Redalen
Carlson, J.	Gutknecht	Levi	Norton	Rees
Carlson, L.	Halberg	Lieder	O'Connor	Rest
Clausnitzer	Hartinger	Long	Olsen, S.	Rice
Cohen	Hartle	Marsh	Olson, E.	Riveness

Rodosovich	Seaberg	Sparby	Tomlinson	Welle
Rose	Segal	Stanis	Tompkins	Wenzel
Sarna	Shaver	Staten	Tunheim	Wynia
Schafer	Sherman	Svigum	Uphus	Spk. Jennings, D.
Scheid	Simoneau	Thiede	Valan	
Schoenfeld	Skoglund	Thorson	Valento	
Schreiber	Solberg	Tjornhom	Waltman	

Those who voted in the negative were:

Beard	Ogren	Osthoff	Quinn	Voss
Jacobs				

The bill was passed and its title agreed to.

H. F. No. 533, A bill for an act relating to occupations and professions; concerning the practice of veterinary medicine; allowing foreign veterinary graduates to be admitted to practice under certain conditions; amending Minnesota Statutes 1984, sections 156.001; 156.02, subdivision 1; 156.081, subdivision 2; and 156.12, subdivision 2; repealing Minnesota Statutes 1984, section 156.09.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Pappas	Skoglund
Anderson, R.	Erickson	Kvam	Pauly	Solberg
Backlund	Fjoslien	Levi	Peterson	Sparby
Battaglia	Forsythe	Lieder	Piepho	Stanis
Beard	Frederick	Long	Piper	Staten
Becklin	Frederickson	Marsh	Poppenhagen	Svigum
Begich	Frerichs	McEachern	Price	Thiede
Bennett	Greenfield	McLaughlin	Quinn	Thorson
Bishop	Gruenes	McPherson	Quist	Tjornhom
Blatz	Gutknecht	Metzen	Redalen	Tomlinson
Boerboom	Halberg	Miller	Rees	Tompkins
Boo	Hartinger	Minne	Rest	Tunheim
Brandl	Hartle	Munger	Rice	Uphus
Brinkman	Haukoos	Murphy	Richter	Valan
Brown	Heap	Nelson, D.	Riveness	Valento
Burger	Himle	Nelson, K.	Rodosovich	Vellenga
Carlson, D.	Jacobs	Neuenschwander	Rose	Voss
Carlson, J.	Jaros	Norton	Sarna	Waltman
Carlson, L.	Jennings, L.	O'Connor	Schafer	Welle
Clark	Johnson	Ogren	Scheid	Wenzel
Clausnitzer	Kahn	Olsen, S.	Schoenfeld	Wynia
Cohen	Kalis	Olson, E.	Schreiber	Zaffke
Dempsey	Kelly	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Kiffmeyer	Onnen	Segal	
Dimler	Knickerbocker	Osthoff	Shaver	
Dyke	Knuth	Otis	Sherman	
Elioff	Kostohryz	Ozment	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 565, A bill for an act relating to soil and water conservation; changing powers and duties of the state board; amending Minnesota Statutes 1984, section 40.03, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Knuth	Omann	Schreiber
Anderson, R.	Erickson	Kostohryz	Onnen	Seaberg
Backlund	Fjoslien	Krueger	Osthoff	Segal
Battaglia	Forsythe	Kvam	Otis	Shaver
Beard	Frederick	Levi	Ozment	Simoneau
Becklin	Frederickson	Lieder	Pappas	Skoglund
Begich	Frerichs	Long	Pauly	Solberg
Bennett	Greenfield	Marsh	Peterson	Sparby
Bishop	Gutknecht	McDonald	Piepho	Stanisus
Blatz	Halberg	McEachern	Piper	Staten
Boerboom	Hartinger	McLaughlin	Poppenhagen	Thorson
Boo	Hartle	Metzen	Price	Tomlinson
Brandl	Haukoos	Miller	Quinn	Tompkins
Brinkman	Heap	Minne	Redalen	Tunheim
Burger	Himle	Munger	Rees	Uphus
Carlson, D.	Jacobs	Murphy	Rice	Valan
Carlson, J.	Jennings, L.	Nelson, D.	Riveness	Valento
Carlson, L.	Johnson	Nelson, K.	Rodosovich	Vellenga
Clausnitzer	Kahn	Norton	Rose	Voss
Cohen	Kalis	O'Connor	Sarna	Welle
Dimler	Kelly	Ogren	Schafer	Wenzel
Dyke	Kiffmeyer	Olsen, S.	Scheid	Wynia
Elioff	Knickerbocker	Olson, E.	Schoenfeld	

Those who voted in the negative were:

DenOuden	McPherson	Sviggum	Tjornhom	Waltman
Gruenes				

The bill was passed and its title agreed to.

H. F. No. 604, A bill for an act relating to agriculture; eliminating license requirement for fur farmers; establishing a registration system; providing definitions; defining agricultural products and pursuits related to fur farming; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1984, section 17.35.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Ozment	Simoneau
Anderson, R.	Erickson	Levi	Pappas	Solberg
Backlund	Fjoslien	Lieder	Pauly	Sparby
Battaglia	Forsythe	Long	Peterson	Stanius
Beard	Frederick	Marsh	Piepho	Staten
Becklin	Frederickson	McDonald	Piper	Sviggum
Begich	Frerichs	McEachern	Poppenhagen	Thiede
Bennett	Greenfield	McLaughlin	Price	Thorson
Bishop	Gruenes	McPherson	Quinn	Tjornhom
Blatz	Gutknecht	Metzen	Quist	Tomlinson
Boerboom	Halberg	Miller	Redalen	Tompkins
Boo	Hartinger	Minne	Rees	Tunheim
Brandl	Hartle	Munger	Rest	Uphus
Brinkman	Haukoos	Murphy	Rice	Valan
Brown	Heap	Nelson, D.	Richter	Valento
Burger	Himle	Nelson, K.	Riveness	Vanasek
Carlson, D.	Jacobs	Neuenschwander	Rodosovich	Voss
Carlson, J.	Jaros	Norton	Rose	Waltman
Carlson, L.	Jennings, L.	O'Connor	Sarna	Welle
Clausnitzer	Johnson	Ogren	Schafer	Wenzel
Cohen	Kalis	Olsen, S.	Scheid	Zaffke
Dempsey	Kelly	Olson, E.	Schoenfeld	Spk. Jennings, D.
DenOuden	Kiffmeyer	Omann	Schreiber	
Dimler	Knickerbocker	Onnen	Seaberg	
Dyke	Knuth	Osthoff	Segal	
Elioff	Kostohryz	Otis	Shaver	

Those who voted in the negative were:

Kahn Skoglund Vellenga Wynia

The bill was passed and its title agreed to.

H. F. No. 674, A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Clausnitzer	Fjoslien	Hartinger
Anderson, R.	Boerboom	Cohen	Forsythe	Hartle
Backlund	Boo	Dempsey	Frederick	Haukoos
Battaglia	Brandl	DenOuden	Frederickson	Heap
Beard	Brinkman	Dimler	Frerichs	Himle
Becklin	Brown	Dyke	Greenfield	Jacobs
Begich	Carlson, D.	Elioff	Gruenes	Jaros
Bennett	Carlson, J.	Ellingson	Gutknecht	Jennings, L.
Bishop	Carlson, L.	Erickson	Halberg	Johnson

Kahn	Metzen	Ozment	Rose	Tjornhom
Kalis	Miller	Pappas	Sarna	Tomlinson
Kelly	Minne	Pauly	Schafer	Tompkins
Kiffmeyer	Munger	Peterson	Scheid	Tunheim
Knickerbocker	Murphy	Piepho	Schoenfeld	Uplius
Knuth	Nelson, D.	Piper	Seaberg	Valan
Kostohryz	Nelson, K.	Poppenhagen	Segal	Valento
Krueger	Neuenschwander	Price	Shaver	Vanasek
Kvam	Norton	Quinn	Simoneau	Vellenga
Levi	O'Connor	Quist	Skoglund	Voss
Lieder	Ogren	Redalen	Solberg	Waltman
Long	Olsen, S.	Rees	Sparby	Welle
Marsh	Olson, E.	Rest	Stanis	Wenzel
McDonald	Omann	Rice	Staten	Wynia
McEachern	Onnen	Richter	Sviggum	Zaffke
McLaughlin	Osthoff	Riveness	Thiede	Spk. Jennings, D.
McPherson	Otis	Rodosovich	Thorson	

The bill was passed and its title agreed to.

H. F. No. 701, A bill for an act relating to human services; allowing the county boards to serve as the community mental health center boards; amending Minnesota Statutes 1984, section 245.66.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Levi	Ozment	Skoglund
Anderson, R.	Fjoslien	Lieder	Pappas	Solberg
Backlund	Frederick	Long	Pauly	Sparby
Battaglia	Frederickson	Marsh	Peterson	Stanis
Beard	Frerichs	McDonald	Piepho	Staten
Becklin	Greenfield	McEachern	Piper	Sviggum
Begich	Gruenes	McKasy	Poppenhagen	Thiede
Bennett	Gutknecht	McLaughlin	Price	Thorson
Bishop	Halberg	McPherson	Quinn	Tjornhom
Blatz	Hartinger	Metzen	Quist	Tomlinson
Boerboom	Hartle	Miller	Redalen	Tompkins
Boo	Haukoos	Minne	Rees	Tunheim
Brandl	Hcap	Munger	Rest	Uplius
Brinkman	Himle	Murphy	Rice	Valan
Brown	Jacobs	Nelson, D.	Richter	Valento
Carlson, D.	Jaros	Nelson, K.	Riveness	Vanasek
Carlson, J.	Jennings, L.	Neuenschwander	Rodosovich	Vellenga
Carlson, L.	Johnson	Norton	Rose	Voss
Clausnitzer	Kahn	O'Connor	Sarna	Waltman
Cohen	Kalis	Ogren	Schafer	Welle
Dempsey	Kelly	Olsen, S.	Scheid	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schoenfeld	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	
Ellingson	Kvam	Otis	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 835 was reported to the House.

Miller moved that H. F. No. 835 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.-09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Ozment	Sherman
Anderson, R.	Fjoslien	Levi	Pappas	Simoneau
Backlund	Frederick	Lieder	Pauly	Skoglund
Battaglia	Frederickson	Long	Peterson	Solberg
Beard	Frerichs	Marsh	Piepho	Sparby
Becklin	Greenfield	McDonald	Piper	Stanisus
Begich	Gruenes	McEachern	Poppenhagen	Staten
Bennett	Gutknecht	McLaughlin	Price	Swiggum
Blatz	Halberg	McPherson	Quinn	Thiede
Boerboom	Hartinger	Metzen	Quist	Thorson
Boo	Hartle	Minne	Redalen	Tjornhom
Brandl	Haukoos	Munger	Rees	Tomlinson
Brinkman	Himle	Murphy	Rest	Tompkins
Brown	Jacobs	Nelson, D.	Rice	Tunheim
Burger	Jaros	Nelson, K.	Richter	Uphus
Carlson, D.	Jennings, L.	Neuenschwander	Rivenness	Valan
Carlson, J.	Johnson	Norton	Rodosovich	Valento
Carlson, L.	Kahn	O'Connor	Rose	Vanasek
Cohen	Kalis	Ogren	Sarna	Vellenga
Dempsey	Kelly	Olsen, S.	Schafer	Voss
DenOuden	Kiffmeyer	Olson, E.	Scheid	Waltman
Dimler	Knickerbocker	Omman	Schoenfeld	Welle
Dyke	Knuth	Onnen	Seaberg	Wenzel
Elioff	Kostohryz	Osthoff	Segal	Zaffke
Ellingson	Krueger	Otis	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 345, A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insur-

ance policies; coordinating the priority of applicability of security for the payment of certain benefits; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.70, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Kostohryz	Pauly	Stanius
Beard	Fjoslien	Krueger	Piepho	Sviggum
Becklin	Forsythe	Kvam	Poppenhagen	Thiede
Bennett	Frederick	Levi	Price	Thorson
Blatz	Frederickson	Lieder	Quist	Tjornhom
Boerboom	Frerichs	Marsh	Redalen	Tomlinson
Boo	Gruenes	McDonald	Rees	Uphus
Brinkman	Gutknecht	McEachern	Richter	Valan
Burger	Hartinger	McKasy	Rodosovich	Valento
Carlson, J.	Hartle	Metzen	Rose	Vanasek
Carlson, L.	Haukoos	Miller	Schafer	Voss
Clausnitzer	Himle	Nelson, K.	Scheid	Waltman
Dempsey	Jacobs	Olsen, S.	Seaberg	Welle
DenOuden	Kalis	Onnen	Shaver	Wenzel
Dimler	Kelly	Osthoff	Sherman	Zaffke
Dyke	Knickerbocker	Ozment	Simoneau	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Ellingson	McLaughlin	Olson, E.	Schoenfeld
Battaglia	Greenfield	McPherson	Otis	Segal
Begich	Halberg	Minne	Pappas	Skoglund
Bishop	Jaros	Munger	Peterson	Solberg
Brandl	Jennings, L.	Murphy	Piper	Sparby
Brown	Johnson	Nelson, D.	Rest	Staten
Clark	Kahn	Norton	Rice	Tompkins
Cohen	Knuth	O'Connor	Riveness	Vellenga
Elioff	Long	Ogren	Sarna	Wynia

The bill was passed and its title agreed to.

Kostohryz was excused between the hours of 4:45 p.m. and 6:10 p.m. Welle was excused at 6:30 p.m. Brinkman was excused at 6:45 p.m. Staten was excused at 7:30 p.m. Halberg was excused at 8:40 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings, D., in the Chair for consideration of bills pending on General Orders of the day. Halberg presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 440, 454, 65, 327, 759, 143, 94, 216, 422, 186, 256, 446, 470, 586, 648, 698, 702, 738, 771 and 825 were recommended to pass.

S. F. No. 483 was recommended to pass.

H. F. Nos. 556, 755, 517, 520, 848, 102, 401, 633 and 779 were recommended for progress.

H. F. No. 235 was recommended for re-referral to the Committee on Commerce and Economic Development.

H. F. No. 381 which it recommended to pass with the following amendment offered by Uphus, Solberg, Johnson and Minne:

Page 2, delete lines 1 to 11, and insert:

"In a town which had 200 or fewer persons who voted in the most recent state general election, except a town located within a metropolitan county as defined in section 473.121, subdivision 4, the voting hours may be shortened if at least 20 percent of the town's registered voters sign a petition for shorter hours and present it to the town clerk. In that instance the town board may set the hours for voting to begin later than 7:00 a.m. but not later than 10:00 a.m. The clerk shall give 30 days' notice of the changed hours to the voters by posting the notice in a conspicuous place and by publishing it in a newspaper of general circulation in the town, and the clerk shall notify the county auditor of the change.

An unorganized territory or unorganized territories which constitute a voting district may have shorter voting hours through the same procedure set for towns, except the petition must be to the county auditor, the choice of hours for voting to begin later than 7:00 a.m. but not later than 10:00 a.m. must be made by the county board, and the notice must be given by the county auditor."

H. F. No. 415 which it recommended to pass with the following amendment offered by Minne:

Page 1, line 11, reinstate the old language and delete the new language

S. F. No. 287 which it recommended to pass with the following amendment offered by Minne:

Page 1, after line 16, insert:

"Sec. 3. Laws 1949, chapter 422, section 3, subdivision 11, is amended to read:

Subd. 11. An annual audit of all books, acts and affairs of the commission shall be made by the state public examiner, (AND IT SHALL BE THE DUTY OF THE COMMISSION WITHIN 30 DAYS AFTER THE END OF ITS FISCAL PERIOD, TO REQUEST THE PUBLIC EXAMINER TO MAKE SUCH AUDIT) *or by a certified public accountant as determined by the commission.*"

Page 1, line 17, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 3, before the period insert "; providing that the annual audit of the public utilities commission may be made by a certified public accountant; amending Laws 1949, chapter 422, section 3, subdivision 11"

S. F. No. 118 which it recommended to pass with the following amendments:

Offered by Sviggum:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 179A.14, subdivision 1, is amended to read:

Subdivision 1. [INITIATION OF NEGOTIATION.] When employees or their representatives desire to meet and negotiate an *initial* agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director. The employer has ten days from receipt of the notice to object or refuse to recognize the employees' representative or the employees as an appropriate unit. If the employer does not object within ten days, the employer must recognize the employee representative for purposes of reaching agreement on terms and conditions of employment for the represented employees. If the employer does object, the employer or employees' representative may petition the director to take jurisdiction of the matter and the director shall investigate the petition.

When a party to a contract desires to meet and negotiate an agreement subsequent to the initial agreement, the party shall give written notice to the other party and to the director at least 60 days before the termination date of the existing contract. If a party fails to give the required 60-day notice, that party shall be subject to a fine of \$10 per day for each day such notice is late. The fine for late notice may be waived at the discretion of the director, if the director finds that the failure to give timely

notice did not prejudice the bureau or the other party in the fulfillment of their responsibilities and duties. The fine for late notice shall be the only penalty for late notice under this paragraph.

Sec. 2. Minnesota Statutes 1984, section 179A.15, is amended to read:

179A.15 [MEDIATION.]

Once notice has been given under section 179A.14, the employer or the exclusive representative may petition the director for mediation services.

A petition by an employer shall be signed by the employer or an authorized officer or agent. A petition by an exclusive representative shall be signed by its authorized officer. All petitions shall be delivered to the director in person or sent by certified mail. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition *and upon concluding that mediation would be useful*, the director shall fix a time and place for a conference with the parties to negotiate the issues not agreed upon, and shall then take the most expedient steps to bring about a settlement, including assisting in negotiating and drafting an agreement.

If the director (MAY, AT THE REQUEST OF A PARTY TO A LABOR DISPUTE, ASSIST IN SETTLING) determines that mediation would be useful in resolving a dispute, the director may mediate the dispute even if (NO PETITION) neither party has (BEEN) filed a petition for mediation. In these cases, the director shall proceed as if a petition had been filed.

The director shall not furnish mediation services to any employee or employee representative who is not certified as an exclusive representative.

All parties shall respond to the summons of the director for conferences and shall continue in conference until excused by the director. However, for other than *teachers and essential employees*, mediation conferences following (: (1)) the expiration date of a collective bargaining agreement (, OR (2) IN THE CASE OF TEACHERS, MEDIATION OVER A PERIOD OF 60 DAYS AFTER THE EXPIRATION DATE OF A COLLECTIVE BARGAINING AGREEMENT) shall continue only for durations agreeable to both parties.

Sec. 3. Minnesota Statutes 1984, section 179A.16, subdivision 7, is amended to read:

Subd. 7. [DECISION BY THE PANEL.] The panel's order shall be issued by a majority vote of its members. The order shall

resolve the issues in dispute between the parties as submitted by the board. *For principals and assistant principals, the panel shall be restricted to selecting between the final offers of the parties on each impasse item. For other employees, if the parties agree in writing, the panel shall be restricted to selecting between the final offers of the parties on each impasse item, or the final offer of one or the other parties in its entirety.* In considering a dispute and issuing its order, the panel shall consider the statutory rights and obligations of public employers to efficiently manage and conduct their operations within the legal limitations surrounding the financing of these operations. The panel's decision and order shall be final and binding on all parties.

The panel shall render its order within ten days from the date that all arbitration proceedings have concluded. However, the panel must issue its order by the last date the employer is required by statute, charter, ordinance, or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for the period stated in the order, except that orders determining contracts for teacher units shall be effective to the end of the contract period determined by section 179A.20.

The panel shall send its decision and orders to the board, the director, the appropriate representative of the public employer, and the employees. If any issues submitted to arbitration are settled voluntarily before the arbitrator issues a decision, the arbitrator shall report the settlement to the board and the director.

The parties may at any time prior to or after issuance of an order of the arbitration panel, agree upon terms and conditions of employment regardless of the terms and conditions of employment determined by the order. The parties shall, if so agreeing, execute a written contract or memorandum of contract.

Sec. 4. Minnesota Statutes 1984, section 179A.17, subdivision 1, is amended to read:

Subdivision 1. [FOR TEACHERS.] If a new or different exclusive representative of teachers employed by a local school district is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, section 179A.18, subdivision 2, clause (1), shall apply. In those cases, however, the employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may

petition the director of mediation services for assistance in reaching an agreement. If the employer and the exclusive representative of the teachers fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation (SESSIONS OVER A PERIOD OF NO LESS THAN 60 DAYS) *as specified in section 179A.18, subdivision 2, clause (1) (b).*

Sec. 5. Minnesota Statutes 1984, section 179A.18, subdivision 2, is amended to read:

Subd. 2. [SCHOOL DISTRICT REQUIREMENTS.] Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least (60 DAYS,) 30 days (OF WHICH HAVE OCCURRED AFTER THE EXPIRATION DATE OF THE COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT THE MEDIATION PERIOD ESTABLISHED BY SECTION 179A.17, SUBDIVISION 1, SHALL GOVERN NEGOTIATIONS PURSUANT TO THAT SECTION). For the purposes of this subclause the mediation period commences on the day (FOLLOWING RECEIPT BY THE DIRECTOR OF A REQUEST FOR MEDIATION) *that a mediator designated by the director first attends a conference with the parties to negotiate the issues not agreed upon or on December 1 of odd-numbered years, whichever occurs first; and*

(c) *neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or*

(2) (45 DAYS AFTER IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1, NEITHER PARTY HAS REQUESTED INTEREST ARBITRATION; OR)

((3)) the employer violates section 179A.13, subdivision 2, clause (9).

Sec. 6. Minnesota Statutes 1984, section 179A.18, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] In addition to the other requirements of this section, no employee may strike unless written notifica-

tion of intent to strike is served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike. *For all employees other than teachers, if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification. For teachers, no strike may commence more than 25 days after service of notification of intent to strike unless, before the end of the 25-day period, the exclusive representative and the employer agree that the period during which a strike may commence shall be extended for an additional period not to exceed five days. Teachers are limited to one notice of intent to strike for each contract negotiation period, provided, however, that a strike notice may be renewed for an additional 20 days, the first ten of which shall be a notice period during which no strike may occur, if the following conditions have been satisfied:*

(1) *an original notice was provided pursuant to this section; and*

(2) *a tentative agreement to resolve the dispute was reached during the original strike notice period; and*

(3) *such tentative agreement was rejected by the employer during or after the original strike notice period.*

The first day of the renewed strike notice period shall commence on the day following the expiration of the previous strike notice period or the day following the rejection of the tentative agreement, whichever is later. Notification of intent to strike under subdivisions 1, clause (1); and 2, clause (1), may not be served until the collective bargaining agreement has expired, or if there is no agreement, on or after the date impasse under section 179A.17 has occurred. (NOTIFICATION OF INTENT TO STRIKE UNDER SUBDIVISION 2, CLAUSE (2), MAY NOT BE SERVED BEFORE THE 45TH DAY FOLLOWING AN IMPASSE UNDER SECTION 179A.16, SUBDIVISION 1.)

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment. However, the 60-day notice requirement imposed in section 1 does not apply in 1985 if sections 1 to 6 become effective after April 25, 1985. In this event, the notice required by section 1 must be given within 30 days of the effective date of sections 1 to 6."

Delete the title and insert:

"A bill for an act relating to public employee labor relations; regulating public employee mediation; regulating mediation and strikes concerning teachers; providing for arbitration awards in principal and assistant principal disputes; providing penalties;

amending Minnesota Statutes 1984, sections 179A.14, subdivision 1; 179A.15; 179A.16, subdivision 7; 179A.17, subdivision 1; 179A.18, subdivisions 2 and 3."

Offered by Sviggum:

Page 3, line 4, strike "However, for other than"; strike "essential"; delete *"teachers and"*

Page 3, line 5, strike "employees, mediation conferences following"; strike "the expiration"

Page 3, line 6, strike "date of a collective bargaining agreement"

Page 3, line 8, strike "shall"

Page 3, strike line 9

H. F. No. 227 which it recommended to pass with the following amendment offered by Minne:

Page 1, after line 21, insert:

"The commission may not assign any days before July 1, 1987, as racing days to a class D licensee."

H. F. No. 539 which it recommended to pass with the following amendments:

Offered by Osthoff, Redalen and Frerichs:

Page 6, line 11, delete *"section"* and insert *"sections"*

Page 6, line 12, delete *"is"* and insert *"and 237.075, subdivision 10 are"*

Further, amend the title as follows:

Page 1, line 21, before the period insert *"; and 237.075, subdivision 10"*

Offered by Ogren and Redalen:

Page 2, after line 1, insert:

"Sec. 2. Minnesota Statutes 1984, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] (AS OF JANUARY 1, 1975) The public utilities commission shall consist of five mem-

bers (, THREE OF WHOM SHALL BE THE MEMBERS THEN SERVING, WHO SHALL CONTINUE TO SERVE FOR THE BALANCE OF THEIR ELECTIVE OR APPOINTIVE TERMS. THERE SHALL BE TWO ADDITIONAL COMMISSIONERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, ONE FOR A TERM EXPIRING DECEMBER 31, 1975, AND ONE FOR A TERM EXPIRING DECEMBER 31, 1977). (THEREAFTER) The terms of (ALL SUBSEQUENT) members of the commission shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. *No more than three commissioners shall be domiciled at the time of their appointment or reappointment within the seven-county metropolitan area.* The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting or property and utility valuation as well as being representative of the general public.

For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties."

Page 6, after line 12, insert:

"Sec. 8. [TIME OF FIRST EFFECT.]

Section 2 is effective for appointments to terms beginning after July 1, 1986."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "making changes in future public utilities commission membership;"

Page 1, line 18, after the semicolon insert "216A.03, subdivision 1;"

H. F. No. 786 which it recommended to pass with the following amendments:

Offered by Dyke:

Page 19, line 9, reinstate "appointed by the"; after "(GOVERNOR)" insert "commissioner of health"

Page 19, delete lines 17 to 19

Page 19, line 31, delete "*appropriate*"; after "*commissioner*" insert "*of health*"

Offered by Knuth:

Page 7, line 3, strike "four" and insert "two"

Page 7, line 5, after the semi-colon insert "*and a representative of the league of Minnesota cities. The director of the pollution control agency shall appoint two members as follows:*"

Page 7, line 7, after the semi-colon insert "*and*"

Page 7, line 9, strike "; and a"

Page 7, line 10, strike everything before the period

S. F. No. 331 which it recommended to pass with the following amendment offered by Stanius:

Page 1, line 13, after "*and*" insert "*after reasonable effort to notify next of kin,*"

On the motion of Levi the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Stanis moved to amend S. F. No. 331, as follows:

Page 1, line 13, after "*and*" insert "*after reasonable effort to notify next of kin,*"

The question was taken on the Stanis amendment and the roll was called. There were 79 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DenOuden	Johnson	McLaughlin	Piepho
Backlund	Dyke	Kiffmeyer	McPherson	Poppenhagen
Battaglia	Fjoslien	Knickerbocker	Miller	Price
Becklin	Forsythe	Knuth	Nelson, D.	Quinn
Begich	Frederick	Krueger	Nelson, K.	Quist
Bennett	Frerichs	Kvam	Norton	Redalen
Bishop	Gruenes	Levi	Olsen, S.	Rees
Blatz	Gucknocht	Lieder	Omann	Rest
Boo	Halberg	Long	Onnen	Rice
Brandl	Hartinger	Marsh	Ozment	Richter
Burger	Haukoos	McDonald	Pappas	Riveness
Dempsey	Jacobs	McKasy	Pauly	Schafer

Schreiber	Sparby	Thiede	Uphus	Wynia
Seaberg	Stanius	Thorson	Valan	Zaffke
Shaver	Staten	Tomlinson	Valento	Spk. Jennings, D.
Sherman	Sviggum	Tunheim	Vellenga	

Those who voted in the negative were:

Anderson, G.	Clausnitzer	Kostohryz	Olson, E.	Scheid
Beard	Cohen	McEachern	Osthoff	Schoenfeld
Boerboom	Elioff	Metzen	Otis	Segal
Brinkman	Frederickson	Munger	Peterson	Skoglund
Carlson, D.	Greenfield	Murphy	Piper	Solberg
Carlson, J.	Hartle	Neuenschwander	Rodosovich	Tjornhom
Carlson, L.	Jaros	O'Connor	Rose	Voss
Clark	Kalis	Ogren	Sarna	Wenzel

The motion prevailed and the amendment was adopted.

The question was taken on the Marsh motion to re-refer H. F. No. 235 to the Committee on Commerce and Economic Development and the roll was called. There were 75 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Long	Peterson	Segal
Battaglia	Forsythe	Marsh	Piper	Skoglund
Beard	Greenfield	McEachern	Popenhagen	Solberg
Becklin	Gruenes	McLaughlin	Price	Sparby
Begich	Gutknecht	Minne	Quinn	Staten
Boerboom	Hartinger	Murphy	Quist	Thiede
Boo	Jacobs	Nelson, D.	Redalen	Thorson
Brandl	Jaros	Neuenschwander	Rest	Tomlinson
Brown	Jennings, L.	Norton	Rice	Tunheim
Carlson, L.	Kahn	O'Connor	Richter	Uphus
Clark	Kalis	Ogren	Riveness	Vanasek
Clausnitzer	Kelly	Omann	Rodosovich	Vellenga
Cohen	Kostohryz	Onnen	Sarna	Waltman
DenOuden	Krueger	Osthoff	Scheid	Wenzel
Dyke	Lieder	Pappas	Seaberg	Wynia

Those who voted in the negative were:

Bishop	Frerichs	McDonald	Piepho	Stanius
Blatz	Halberg	McKasy	Rees	Sviggum
Burger	Hartle	McPherson	Rose	Tjornhom
Carlson, J.	Haukoos	Metzen	Schafer	Tompkins
Dempsey	Himle	Miller	Schoenfeld	Valento
Erickson	Johnson	Olsen, S.	Schreiber	Voss
Fjoslien	Knickerbocker	Olson, E.	Shaver	Zaffke
Frederick	Kvam	Otis	Sherman	Spk. Jennings, D.
Frederickson	Levi	Pauly	Simoneau	

The motion prevailed.

The question was taken on the motion to recommend passage on S. F. No. 483 and the roll was called. There were 115 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Levi	Otis	Shaver
Backlund	Frederick	Lieder	Pappas	Sherman
Battaglia	Frederickson	Long	Pauly	Simoneau
Beard	Greenfield	Marsh	Peterson	Skoglund
Becklin	Gruenes	McDonald	Piper	Soiberg
Begich	Gutknecht	McEachern	Poppenhagen	Sparby
Bishop	Halberg	McKasy	Price	Stanius
Boo	Hartinger	McLaughlin	Quinn	Staten
Brandl	Heap	McPherson	Quist	Thorson
Brown	Himle	Metzen	Redalen	Tjornhom
Burger	Jacobs	Minne	Rees	Tomlinson
Carlson, D.	Jaros	Munger	Rest	Tompkins
Carlson, L.	Jennings, L.	Murphy	Rice	Tunheim
Clark	Johnson	Nelson, D.	Riveness	Uphus
Clausnitzer	Kahn	Nelson, K.	Rodosovich	Valan
Cohen	Kalis	Neuenschwander	Rose	Valento
Dempsey	Kelly	Norton	Sarna	Vanasek
Dimler	Kiffmeyer	O'Connor	Schafer	Vellenga
Dyke	Knickerbocker	Olson, S.	Scheid	Voss
Elioff	Knuth	Olson, E.	Schoenfeld	Waltman
Ellingson	Kostohryz	Omann	Schreiber	Wenzel
Erickson	Krueger	Onnen	Seaberg	Wynia
Fjoslien	Kvam	Osthoff	Segal	Spk. Jennings, D.

Those who voted in the negative were:

DenOuden	Miller	Piepho	Zaffke
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The motion prevailed.

The question was taken on the Anderson, G., motion that the Committee do now arise and the roll was called. There were 60 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	McLaughlin	Osthoff	Segal
Battaglia	Jaros	Metzen	Otis	Simoneau
Beard	Jennings, L.	Minne	Pappas	Skoglund
Begich	Kahn	Munger	Peterson	Solberg
Brandl	Kalis	Murphy	Piper	Sparby
Brown	Kelly	Nelson, D.	Price	Tomlinson
Carlson, L.	Knuth	Nelson, K.	Quinn	Tunheim
Clark	Kostohryz	Neuenschwander	Rest	Vanasek
Cohen	Krueger	Norton	Riveness	Vellenga
Elioff	Lieder	O'Connor	Rodosovich	Voss
Ellingson	Long	Ogren	Sarna	Wenzel
Greenfield	McEachern	Olson, E.	Scheid	Wynia

Those who voted in the negative were:

Backlund	Carlson, J.	Fjoslien	Halberg	Kiffmeyer
Bennett	Clausnitzer	Forsythe	Hartinger	Knickerbocker
Bishop	Dempsey	Frederick	Harile	Kvam
Blatz	DenOuden	Frederickson	Haukoos	Levi
Boerboom	Dimler	Frerichs	Heap	Marsh
Boo	Dyke	Gruenes	Himle	McDonald
Burger	Erickson	Gutknecht	Johnson	McKasy

McPherson	Piepho	Rose	Stanius	Uphus
Miller	Poppenhagen	Schafer	Sviggum	Valan
Olsen, S.	Quist	Schreiber	Thiede	Valento
Onnen	Redalen	Seaberg	Thorson	Waltman
Ozment	Rees	Shaver	Tjornhom	Zaffke
Pauly	Richter	Sherman	Tompkins	Spk. Jennings, D.

The motion did not prevail.

The question was taken on the Wynia motion that the Committee do now arise and the roll was called. There were 58 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Metzen	Peterson	Skoglund
Battaglia	Jennings, L.	Minne	Piper	Solberg
Beard	Kahn	Munger	Price	Sparby
Begich	Kalis	Murphy	Quinn	Tomlinson
Brandl	Kelly	Nelson, K.	Rest	Tunheim
Brown	Knuth	Neuenschwander	Rice	Vanasek
Carlson, L.	Kostohryz	Norton	Riveness	Vellenga
Clark	Krueger	O'Connor	Rodosovich	Voss
Cohen	Lieder	Ogren	Sarna	Wenzel
Elioff	Long	Olson, E.	Schoenfeld	Wynia
Ellingson	McEachern	Otis	Segal	
Greenfield	McLaughlin	Pappas	Simoneau	

Those who voted in the negative were:

Backlund	Erickson	Johnson	Pauly	Sviggum
Becklin	Fjoslien	Kiffmeyer	Piepho	Thiede
Bennett	Forsythe	Knickerbocker	Poppenhagen	Thorson
Bishop	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Boerboom	Frerichs	Marsh	Rees	Uphus
Boo	Gruenes	McDonald	Richter	Valan
Burger	Halberg	McKasy	Rose	Valento
Carlson, J.	Hartinger	McPherson	Schafer	Waltman
Clausnitzer	Hartle	Miller	Schreiber	Zaffke
Dempsey	Haukoos	Olsen, S.	Seaberg	Spk. Jennings, D.
DenOuden	Heap	Omamn	Shaver	
Dimler	Himle	Onnen	Sherman	
Dyke	Jacobs	Ozment	Stanius	

The motion did not prevail.

The question was taken on the Bishop request to progress H. F. No. 771 until Monday, April 1, 1985 and the roll was called. There were 51 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Cohen	Jaros	Kostohryz	Nelson, K.
Bishop	Ellingson	Kahn	Krueger	Neuenschwander
Brandl	Frederickson	Kalis	Lieder	Norton
Brown	Greenfield	Kelly	McLaughlin	Ogren
Carlson, L.	Hartle	Kiffmeyer	Minne	Olson, E.
Clark	Himle	Knuth	Munger	Osthoff

Otis	Rest	Schoenfeld	Solberg	Vanasek
Pappas	Riveness	Segal	Sparby	Vellenga
Peterson	Rodosovich	Simoneau	Tomlinson	Voss
Piper	Scheid	Skoglund	Tunheim	Wynia
Quinn				

Those who voted in the negative were:

Anderson, R.	DenOuden	Knickerbocker	Pauly	Sviggum
Backlund	Dimler	Kvam	Piepho	Thiede
Battaglia	Dyke	Marsh	Poppenhagen	Tjornhom
Beard	Elioff	McDonald	Price	Tompkins
Becklin	Erickson	McEachern	Quist	Uphus
Begich	Fjoslien	McKasy	Rees	Valan
Bennett	Frederick	McPherson	Richter	Valento
Blatz	Frerichs	Metzen	Rose	Waltman
Boerboom	Cruenes	Miller	Sarna	Wenzel
Boo	Gutknecht	Murphy	Schafer	Zaffke
Burger	Halberg	Nelson, D.	Schreiber	Spk. Jennings, D.
Carlson, D.	Hartinger	Olsen, S.	Seaberg	
Carlson, J.	Haukoos	Omann	Shaver	
Clausnitzer	Jacobs	Onnen	Sherman	
Dempsey	Johnson	Ozment	Stanius	

The motion did not prevail.

The question was taken on the motion to recommend passage of H. F. No. 771 and the roll was called. There were 100 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kostohryz	Osthoff	Seaberg
Anderson, R.	Ellingson	Krueger	Ozment	Sherman
Backlund	Erickson	Kvam	Pauly	Solberg
Battaglia	Fjoslien	Levi	Peterson	Sparby
Beard	Forsythe	Lieder	Piepho	Stanius
Becklin	Frederick	Marsh	Poppenhagen	Sviggum
Begich	Frederickson	McDonald	Price	Thiede
Bennett	Frerichs	McEachern	Quinn	Thorson
Blatz	Cruenes	McKasy	Quist	Tjornhom
Boerboom	Gutknecht	McPherson	Redalen	Tompkins
Boo	Hartinger	Metzen	Rees	Tunheim
Brown	Haukoos	Miller	Rice	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Neuenschwander	Rodosovich	Valento
Carlson, J.	Jacobs	O'Connor	Rose	Vanasek
Clausnitzer	Johnson	Ogren	Sarna	Voss
Dempsey	Kalis	Olsen, S.	Schafer	Waltman
DenOuden	Kelly	Olson, E.	Scheid	Wenzel
Dimler	Kiffmeyer	Omann	Schoenfeld	Zaffke
Dyke	Knickerbocker	Onnen	Schreiber	Spk. Jennings, D.

Those who voted in the negative were:

Bishop	Greenfield	Minne	Piper	Skoglund
Brandl	Hartle	Nelson, K.	Rest	Tomlinson
Carlson, L.	Kahn	Norton	Segal	Vellenga
Clark	Knuth	Otis	Shaver	Wynia
Cohen	McLaughlin	Pappas	Simoneau	

The motion prevailed.

CALL OF THE HOUSE

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

Anderson, G.	Ellingson	Kostohryz	Osthoff	Sherman
Anderson, R.	Erickson	Krueger	Otis	Simoneau
Backlund	Fjoslien	Kvam	Ozment	Skoglund
Battaglia	Forsythe	Levi	Pauly	Solberg
Beard	Frederick	Lieder	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanis
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McKasy	Poppenhagen	Thiede
Blatz	Gruenes	McLaughlin	Price	Thorson
Boerboom	Gutknecht	McPherson	Quinn	Tjornhom
Boo	Halberg	Miller	Quist	Tomlinson
Brandl	Hartinger	Minne	Redalen	Tompkins
Brown	Hartle	Munger	Rees	Tunheim
Burger	Haukoos	Murphy	Richter	Uphus
Carlson, J.	Heap	Nelson, D.	Rodosovich	Valan
Carlson, L.	Himle	Nelson, K.	Rose	Valento
Clark	Jennings, L.	Neuenschwander	Sarna	Vanasek
Clausnitzer	Johnson	Norton	Schafer	Vellenga
Cohen	Kahn	O'Connor	Scheid	Voss
Dempsey	Kalis	Ogren	Schoenfeld	Waltman
DenOuden	Kelly	Olson, S.	Schreiber	Wenzel
Dimler	Kiffmeyer	Olson, E.	Seaberg	Wynia
Dyke	Knickerbocker	Omann	Segal	Zaffke
Elioff	Knuth	Onnen	Shaver	Spk. Jennings, D.

Levi 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.

MOTIONS AND RESOLUTIONS

Elioff moved that his name be stricken as an author on H. F. No. 9. The motion prevailed.

Levi moved that her name be stricken as an author on H. F. No. 285. The motion prevailed.

Levi moved that her name be stricken as an author on H. F. No. 286. The motion prevailed.

Seaberg moved that the name of Blatz be added as an author on H. F. No. 374. The motion prevailed.

Seaberg moved that the name of Riveness be added as an author on H. F. No. 499. The motion prevailed.

Segal moved that the name of Schafer be added as an author on H. F. No. 589. The motion prevailed.

Johnson moved that the name of Carlson, D., be shown as chief author on H. F. No. 624. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 926. The motion prevailed.

Seaberg moved that the names of Bennett, Jacobs, Stanius and Vanasek be added as authors on H. F. No. 1076. The motion prevailed.

Sviggum moved that the name of Simoneau be added as an author on H. F. No. 1130. The motion prevailed.

Pauly moved that the name of Redalen be stricken and the name of Piepho be added as an author on H. F. No. 1133. The motion prevailed.

Gruenes moved that the name of Wynia be added as an author on H. F. No. 1134. The motion prevailed.

Schafer moved that the name of Clark be added as an author on H. F. No. 1160. The motion prevailed.

Nelson, K., moved that the names of Clark and McLaughlin be added as authors on H. F. No. 1198. The motion prevailed.

Thiede moved that the name of Wenzel be added as an author on H. F. No. 1200. The motion prevailed.

Rodosovich moved that the name of McEachern be added as an author on H. F. No. 1204. The motion prevailed.

Carlson, D., moved that the name of Solberg be added as an author on H. F. No. 1210. The motion prevailed.

Pauly moved that the name of Clark be added as an author on H. F. No. 1212. The motion prevailed.

Beard moved that the name of Price be added as an author on H. F. No. 1213. The motion prevailed.

Carlson, L., moved that the name of Clark be added as an author on H. F. No. 1225. The motion prevailed.

Long moved that the name of Brandl be added as an author on H. F. No. 1245. The motion prevailed.

McDonald moved that the name of Frerichs be shown as chief author on H. F. No. 373. The motion prevailed.

Heap moved that H. F. No. 259 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Governmental Operations. The motion prevailed.

McDonald moved that H. F. No. 276 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Boerboom moved that H. F. No. 365 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Taxes. The motion prevailed.

Dempsey moved that H. F. No. 593 be recalled from the Committee on Transportation and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Blatz moved that H. F. No. 948 be recalled from the Committee on Judiciary and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Heap moved that H. F. No. 1080 be recalled from the Committee on Regulated Industries and Energy and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Valento moved that H. F. No. 1082 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Kiffmeyer moved that H. F. No. 1191 be recalled from the Committee on Transportation and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Ozment moved that H. F. No. 1250 be recalled from the Committee on Transportation and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Rees and Halberg moved that H. F. No. 255, now on Technical General Orders, be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Rees and Halberg motion and the roll was called.

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

There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Brandl	Carlson, L.	DenOuden	Forsythe
Becklin	Brown	Clark	Ellingson	Greenfield
Bishop	Burger	Cohen	Erickson	Gruenes

Halberg	Long	Olson, E.	Rest	Skoglund
Himle	McDonald	Onnen	Rice	Sparby
Jennings, L.	McLaughlin	Otis	Riveness	Tomlinson
Kahn	Munger	Pappas	Rodosovich	Tunheim
Kelly	Murphy	Peterson	Rose	Vanasek
Knuth	Nelson, D.	Piper	Sarna	Vellenga
Kostohryz	Nelson, K.	Price	Schoenfeld	Voss
Krueger	Neuenschwander	Quinn	Seaberg	Wynia
Lieder	Norton	Rees	Segal	Zaffke

Those who voted in the negative were:

Anderson, R.	Dyke	Kiffmeyer	Ozment	Swiggum
Backlund	Elioff	Kvam	Pauly	Thiede
Battaglia	Fjoslien	Levi	Piepho	Thorson
Beard	Frederick	Marsh	Poppenhagen	Tjornhom
Begich	Frederickson	McEachern	Quist	Tompkins
Bennett	Frerichs	McPherson	Richter	Uphus
Blatz	Gutknecht	Metzen	Schafer	Valan
Boerboom	Hartinger	Miller	Scheid	Valento
Boo	Hartle	Minne	Schreiber	Waltman
Carlson, D.	Haukoos	O'Connor	Shaver	Wenzel
Carlson, J.	Heap	Ogren	Sherman	Spk. Jennings, D.
Clausnitzer	Jacobs	Olsen, S.	Simoneau	
Dempsey	Johnson	Omann	Solberg	
Dimler	Kalis	Osthoff	Stanisus	

The motion did not prevail.

Valento moved that H. F. No. 571, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Rose moved that H. F. No. 1339 be returned to its author. The motion prevailed.

Boo introduced:

House Concurrent Resolution No. 7, A house concurrent resolution concurring with need for joint regional action to resolve the crisis in farming and mining.

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

Stanisus and Levi introduced:

House Resolution No. 17, A house resolution congratulating the White Bear Lake boys basketball team upon its 1984 and 1985 state championships.

SUSPENSION OF RULES

Stanisus moved that the rules be so far suspended that House Resolution No. 17 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 17

A house resolution congratulating the White Bear Lake boys basketball team upon its 1984 and 1985 state championships.

Whereas, White Bear Lake has many gifted athletes and is proud of all of them; and

Whereas, White Bear Lake girls gymnastics, girls tennis, girls basketball, boys basketball teams, and the debate team have all worked their way to state tournaments; and

Whereas, the school district, fans, and residents of White Bear Lake are proud of their teams; and

Whereas, the boys basketball team members are good citizens, athletes, and students; and

Whereas, the boys' coaches Jim Galvin, Gene Uhlenhopp, Bob Nilson, and Mike Roe, are sensitive, hardworking, knowledgeable, and dedicated coaches; and

Whereas, White Bear High boys basketball team has an outstanding win-loss record of 52-0 for two years; and

Whereas, White Bear High has been the boys AA State High School Basketball Champions for two consecutive years (1983-1984 and 1984-1985); and

Whereas, team members Mike Sweeney, Jim Mares, Ron Dorf, Jim Galvin, Jim Svenkeson, Mark Tentis, Scott Stankiewicz, Troy Risch, Jim Nelson, Dan Perron, John Regnier, Larry Ogden, Joe Regnier, Steve Peckhan, John Parker, Steve Allen, Curt Stiebler, and Jon Fredeen have done an outstanding job; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it is proud of all the teams in the state and that White Bear Lake truly has proven they are No. 1.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and present it to the principal of White Bear Lake High School.

Stanius moved that House Resolution No. 17 be now adopted. The motion prevailed and House Resolution No. 17 was adopted.

Wenzel introduced:

House Resolution No. 18, A house resolution congratulating the Flyers girls basketball team from Little Falls High School for winning the 1985 Class AA Girls State High School Basketball Championship.

The resolution was referred to the Committee on Education.

Rose and Carlson, L., introduced:

House Resolution No. 19, A house resolution recognizing the contribution in the past, now, and in the future of the Minnesota Agricultural Experiment Station and the Minnesota Agricultural Extension Service to Minnesota agriculture.

The resolution was referred to the Committee on Agriculture.

Pursuant to rule 1.15, Piper moved that S. F. No. 85 be recalled from the Committee on Financial Institutions and Insurance, be given its second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the Piper motion and the roll was called. There were 62 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Skoglund
Battaglia	Jennings, L.	Munger	Piper	Solberg
Beard	Kahn	Murphy	Price	Sparby
Begich	Kalis	Nelson, D.	Quinn	Tomlinson
Brandl	Kelly	Nelson, K.	Rest	Tunheim
Brown	Knuth	Neuenschwander	Rice	Vanasek
Carlson, L.	Kostohryz	Norton	Riveness	Vellenga
Clark	Krueger	O'Connor	Rodosovich	Voss
Cohen	Lieder	Ogren	Sarna	Wenzel
Elioff	Long	Olson, E.	Scheid	Wynia
Ellingson	McEachern	Osthoff	Schoenfeld	
Greenfield	McLaughlin	Otis	Segal	
Jacobs	Metzen	Pappas	Simoneau	

Those who voted in the negative were:

Anderson, R.	Carlson, J.	Frederickson	Kiffmeyer	Omann
Backlund	Clausnitzer	Frerichs	Knickerbocker	Onnen
Becklin	Dempsey	Gruenes	Kvam	Ozment
Bennett	DenOuden	Gutknecht	Levi	Pauly
Bishop	Dimler	Hartinger	Marsh	Piepho
Blatz	Dyke	Hartle	McDonald	Poppenhagen
Boerboom	Erickson	Haukoos	McKasy	Quist
Boo	Fjoslien	Heap	McPherson	Redalen
Burger	Forsythe	Himle	Miller	Rees
Carlson, D.	Frederick	Johnson	Olsen, S.	Richter

Rose
Schafer
Schreiber
Seaberg

Shaver
Sherman
Stanius
Sviggum

Thiede
Thorson
Tjornhom
Tompkins

Uphus
Valan
Valento

Waltman
Zaffke
Spk. Jennings, D.

The motion did not prevail.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 1, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, April 1, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

