

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1985

## THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 1, 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 Mary Ellen Renstrom, United Methodist Church of Owatonna, Owatonna, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Rice was excused.

Krueger, Sherman and Wynia were excused until 2:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Hartle 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. 9, 255, 315, 484, 507, 558, 626, 650, 718, 725, 812, 928, 937, 940, 951, 991, 998, 1001, 1065, 1216, 58, 145, 230, 368, 399, 405, 418, 449, 618, 636, 654, 882, 889, 894, 916, 953, 1037, 1011, 1045, 1107, 227, 381, 415, 476, 539, 730, 786, 947 and 537 and S. F. Nos. 40, 542, 196, 118, 287 and 331 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 10, A bill for an act relating to the city of New Ulm; authorizing payment of health insurance costs for certain retired police officers.

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

The report was adopted.

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

H. F. No. 86, A bill for an act relating to retirement; increasing survivor benefits payable by the Thief River Falls police relief association; amending Laws 1981, chapter 68, section 42, subdivision 1.

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

The report was adopted.

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

H. F. No. 91, A bill for an act relating to elections; providing for the preparation and availability of correct precinct lists; amending Minnesota Statutes 1984, section 201.091, subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, delete "*and on August 15 of each year when there is not a*"

Page 1, line 12, strike "state general election"

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

The report was adopted.

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

H. F. No. 191, A bill for an act relating to local government; requiring prompt payment of local government bills; proposing coding for new law in Minnesota Statutes, chapter 471.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 16A.124, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of section 16A.124, the following terms have the meanings here given them.

(a) "Commissioner" means the commissioner of finance.

(b) "State agency" has the meaning assigned to it in section (16.011) 16A.011. "*State agency*" may also mean the *University of Minnesota*.

Sec. 2. Minnesota Statutes 1984, section 16A.124, subdivision 5, is amended to read:

Subd. 5. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.] (a) A state agency shall pay interest to a vendor for undisputed billings when the agency has not paid the billing within 30 days following receipt of the invoice, merchandise, or service whichever is later. A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the completion of the audit by the state agency. Before any interest payment is made, the vendor must invoice the state agency for such interest.

(b) The rate of interest paid by the agency on undisputed bills not paid within 30 days shall be (ONE) 1-1/2 percent per month or any part thereof.

(c) All interest penalties and collection costs must be paid from the agency's current operating budget. No agency may seek to increase its appropriation for the purpose of obtaining funds to pay interest penalties or collection costs.

(d) Any vendor who prevails in a civil action to collect interest penalties from a state agency shall be awarded its costs and disbursements, including attorney's fees, incurred in bringing the actions.

(e) No interest penalties may accrue against an agency that delays payment of a bill due to a disagreement with the vendor; provided, that the dispute must be settled within 30 days after the bill became overdue. Upon the resolution of the dispute, the agency must pay the vendor accrued interest on all proper invoices for which payment was not received within the applicable time limit contained in subdivision 3.

(f) The minimum monthly interest penalty payment that a state agency shall pay a vendor for the unpaid balance for any one overdue bill equal to or in excess of \$100 is \$10. For unpaid balances of less than \$100, the state agency shall pay the actual penalty due to the vendor.

Sec. 3. Minnesota Statutes 1984, section 16A.124, subdivision 8, is amended to read:

Subd. 8. [APPLICABILITY.] Subdivisions 1 to 7 apply to all agency purchases, leases, rentals, and contracts for services, including construction and remodeling contracts, *except for purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees.*

Sec. 4. [471.425] [PROMPT PAYMENT OF LOCAL GOVERNMENT BILLS.]

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

(a) "Contract" means any written legal document or documents that are signed by both parties in which the terms and conditions of any interest or other penalty for late payments are clearly stated.

(b) "Date of receipt" means the completed delivery of the goods or services or the satisfactory installation, assembly, or

*specified portion thereof or the receipt of the invoice for the delivery of goods or services, whichever is later.*

(c) *"Governing board" means the elected or appointed board of the municipality and includes, but is not limited to, city councils, town boards, and county boards.*

(d) *"Municipality" means any home rule charter or statutory city, county, town, school district, political subdivision, or agency of local government. "Municipality" means the metropolitan council or any board or agency created under chapter 473.*

**Subd. 2. [PAYMENT REQUIRED.]** *A municipality must pay each vendor obligation according to the terms of the contract or within the standard payment period unless the municipality in good faith disputes the obligation. Standard payment period is defined as follows:*

(a) *For municipalities who have governing boards which have regularly scheduled meetings at least once a month, the standard payment period is defined as within 30 days of the date of receipt.*

(b) *For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as within 15 days of the first regularly scheduled meeting of the governing board after the date of receipt. The standard payment period shall not exceed 45 days.*

(c) *For joint powers organizations organized under section 471.59, the standard payment period is within 45 days of the date of receipt.*

**Subd. 3. [INVOICE ERRORS.]** *If an invoice is incorrect, defective, or otherwise improper, the municipality must notify the vendor within 30 days of the date of receipt. Upon receiving a corrected invoice from the vendor, the municipality must pay the obligation within the standard payment period defined in subdivision 2.*

**Subd. 4. [PAYMENT OF INTEREST ON LATE PAYMENTS REQUIRED.]** (a) *Except as otherwise provided in this section, a municipality shall calculate and pay interest to a vendor if the municipality has not paid the obligation according to the terms of the contract or within the standard payment period as defined in subdivision 2. The standard payment period for a negotiated contract or agreement between a vendor and a municipality which requires an audit by the municipality before acceptance and payment of the vendor's invoice shall not be begun until the completion of the audit by the municipality.*

(b) *The rate of interest calculated and paid by the municipality on the outstanding balance of the obligation not paid*

*according to the terms of the contract or during the standard payment period shall be 1-1/2 percent per month or part of a month.*

*(c) No interest penalties may accrue against a purchaser who delays payment of a vendor obligation due to a good faith dispute with the vendor regarding the fitness of the product or service, contract compliance or any defect, error, or omission related thereto. If such delay undertaken by the municipality is not in good faith, the vendor may recover costs and attorney's fees.*

*(d) The minimum monthly interest penalty payment that a municipality shall calculate and pay a vendor for the unpaid balance for any one overdue bill of \$100 or more is \$10. For unpaid balances of less than \$100, the municipality shall calculate and pay the actual interest penalty due the vendor.*

*Subd. 5. [APPLICABILITY.] This section applies to all goods, leases and rents, and contracts for services, construction, repair, and remodeling. Purchases from or contracts for service with a public utility as defined in section 216B.02 or a telephone company as defined in section 237.01 that has on file with the public utilities commission an approved practice regarding late fees are not subject to this section.*

#### Sec. 5. [EFFECTIVE DATE.]

*Section 2 is effective for purchases and contracts entered into on or after January 1, 1986."*

Delete the title and insert:

*"A bill for an act relating to local and state government; requiring prompt payment of local government bills; amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8; proposing coding for new law in Minnesota Statutes, chapter 471."*

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. 234, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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. 245, A bill for an act relating to crimes; clarifying elements of the crime of depriving another of custodial or parental rights; amending Minnesota Statutes 1984, section 609.26, subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY,) where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON) of (HIS) parental rights (TO VISITATION OR CUSTODY) *or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;*

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county welfare board;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY UNDER A COURT ORDER), where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY) of (HIS) rights to visitation or custody; or

(4) takes, obtains, retains, or fails to return a minor child from or to a parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY) after commencement of an action relating to child visitation or custody but prior to

the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent (OR OTHER PERSON HAVING THE RIGHT TO VISITATION OR CUSTODY) OF HIS RIGHTS TO VISITATION OR CUSTODY) *of parental rights.*

Sec. 2. Minnesota Statutes 1984, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] No person violates subdivision 1 if the action:

(1) is taken to protect the child (OR THE PERSON TAKING THE ACTION) from physical (OR EMOTIONAL HARM) or sexual assault *or substantial emotional harm;*

(2) *is taken to protect the person taking the action from physical or sexual assault;*

(3) is consented to by the parent, stepparent, or legal custodian seeking prosecution; or

((3)) (4) is otherwise authorized by a court order *issued prior to the violation of subdivision 1.*

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective August 1, 1985, and apply to crimes committed on or after that date."*

With the recommendation that when so amended 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. 264, A bill for an act relating to crimes; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

**"Section 1. [346.50] [DOGS; IDENTIFICATION.]**

*If a dog owner permits a dog to run uncontrolled off the owner's premises, the owner shall have each dog identified in one of the following ways:*

*(1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;*

*(2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;*

*(3) by a number legibly tattooed on the thigh or abdomen of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, or veterinary hospital registries;*

*(4) by an official license tag of a city or county through which the owner can be promptly identified; or*

*(5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.*

**Sec. 2. [346.51] [BITES.]**

*An owner of a dog which does not have an appropriate anti-rabies vaccination and which bites or otherwise potentially exposes a person to rabies virus is in violation of section 4 of this act.*

**Sec. 3. [346.52] [LOCAL PROGRAMS.]**

*Sections 1 to 6 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions.*

**Sec. 4. [346.53] [PENALTIES.]**

*Violation of sections 1 and 2 is a petty misdemeanor.*

**Sec. 5. [346.54] [NOTIFICATION OF OWNERS.]**

*Animal shelter personnel, peace officers, animal control officers, research facility personnel, veterinarians, groomers, pet shop personnel, and any other people who receive animals must check for identification on each dog or cat, identify the last*

*owner by the identification whenever possible, and notify that owner of the location of the dog or cat by the most expedient means.*

**Sec. 6. [346.55] [ENFORCEMENT.]**

*It is the duty of all local police officers, animal control officers, conservation enforcement officers, and health officers, as appropriate, to enforce sections 1 to 6.*

**Sec. 7. Minnesota Statutes 1984, section 609.205, is amended to read:**

**609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]**

**Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both:**

**(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or**

**(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or**

**(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or**

**(4) By negligently or intentionally permitting any animal, known by him to have (VICIOUS PROPENSITIES) caused great bodily harm in the past, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.**

**Sec. 8. [609.206] [MANSLAUGHTER IN THE THIRD DEGREE.]**

*Whoever causes the death of another by negligently or intentionally permitting any animal, known by him to have caused substantial bodily harm in the past, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault, is guilty of manslaughter in the third degree and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.*

*As used in this section, "substantial bodily harm" has the meaning given it in section 609.02, subdivision 7a, and includes bodily injury which involves a temporary but substantial cut or bruise.*

## Sec. 9. [609.226] [HARM CAUSED BY AN ANIMAL.]

*Whoever causes substantial bodily harm to another by negligently or intentionally permitting any animal to go at large, or negligently failing to keep it properly confined, and the victim was not at fault, is guilty of a gross misdemeanor.*

*As used in this section, "substantial bodily harm" has the meaning given it in section 8.*

## Sec. 10. [609.227] [DANGEROUS ANIMALS DESTROYED.]

*When a person has been convicted of an offense under sections 8, 9, or 609.205, clause (4), the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and destroyed in a proper and humane manner. The owner of the animal shall pay the cost of destroying the animal. This section shall not preempt local ordinances with more restrictive provisions.*

## Sec. 11. [EFFECTIVE DATE.]

*Sections 7 to 10 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 animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain animals to be unconfined or improperly confined; providing for the destruction of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.25; proposing coding for new law in Minnesota Statutes, chapters 346 and 609."*

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. 285, A bill for an act relating to Washington county; providing for approval of condominium floor plans by the county surveyor; prescribing fees; amending Laws 1971, chapter 820, section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 389.09, is amended to read:

**389.09 [APPROVAL OF PLATS AND SURVEYS AND CONDOMINIUM FLOOR PLANS IN CERTAIN COUNTIES.]**

*Subdivision 1. [PLATS AND SURVEYS IN CERTAIN COUNTIES.] In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.*

*Subd. 2. [CONDOMINIUM FLOOR PLANS.] A county board may by ordinance adopted in accordance with section 375.51, require that each condominium floor plan submitted for recordation after July 31, 1985, be approved by the county surveyor or other licensed surveyor hired for this purpose by the county for compliance with section 515A.2-110, before recording. The process of approving the floor plans must be conducted in an expeditious manner so as not to unduly delay the recording of the floor plans. The proprietor of the condominium floor plan may be charged a fee for the service in accordance with a schedule established by resolution passed by the governing body of the county."*

Delete the title and insert:

"A bill for an act relating to real property; allowing counties to require that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 323, A bill for an act relating to taxation; providing for an annual compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; amending Minnesota Statutes 1984, sections 296.01, by adding a

subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Reported the same back with the following amendments:

Page 2, delete line 19, and insert *"compressed natural gas user permits shall be based on each vehicle's mileage in the preceding year and are as follows:"*

Page 2, line 22, delete "\$60" and insert *"\$9 per 1,000 miles"*

Page 2, line 23, delete "\$80" and insert *"\$16 per 1,000 miles"*

Page 2, line 24, delete "\$100" and insert *"\$23 per 1,000 miles"*

Page 2, line 25, delete "\$150" and insert *"\$27 per 1,000 miles"*

Page 2, line 26, delete "\$300" and insert *"\$34 per 1,000 miles"*

Page 2, after line 27, insert:

*"The maximum fee for an annual compressed natural gas user permit for vehicles in all gross vehicle weight classes shall not exceed the fee to be charged for 22,000 miles of actual miles driven. If no true cumulative mileage figures are available for the preceding year, the fee charged under this section shall be based on 15,000 miles driven."*

Page 3, line 5, delete "and"

Page 3, after line 5, insert:

*"(3) the true cumulative mileage registered on the odometer; and"*

Page 3, line 6, delete "(3)" and insert "(4)"

Page 4, line 6, after *"installation,"* insert *"the true cumulative mileage registered on the odometer,"*

Page 4, after line 17, insert:

"Sec. 5. [296.027] [PENALTY.]

*Any person who provides false information, including but not limited to false odometer readings, or who otherwise fails to comply with section 4, subdivisions 3 and 6, is guilty of a misdemeanor.*

**Sec. 6. [REPORT TO THE LEGISLATURE.]**

*The commissioner of public safety, in cooperation with the commissioner of revenue, the commissioner of transportation, and the director of the department of public service, shall report to the legislature by October 1, 1988, on the number of annual compressed natural gas user permits issued; the impact of fees collected under section 4 on the highway user tax distribution fund; the percentages of usage of compressed natural gas and gasoline by vehicles utilizing both fuels; the impact of consumption of compressed natural gas on natural gas rates charged by regulated public utilities; and the costs to utilities of expenses incurred for equipment and marketing compressed natural gas as a motor vehicle fuel.*

**Sec. 7. [EFFECTIVE DATE.]**

*Sections 1 to 6 are effective October 1, 1985."*

Amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for a report to the legislature; providing a penalty;"

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. 360, A bill for an act relating to retirement; changing the method for computing benefits for members of the Buhl police relief association; amending Laws 1984, chapter 574, section 18.

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

The report was adopted.

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

H. F. No. 379, A bill for an act relating to elections; qualifying certain persons to be election judges; amending Minnesota Statutes 1984, section 204B.19, subdivision 2.

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

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 409, A bill for an act relating to transportation; restricting mowing of highway ditches outside of cities; proposing coding for new law in Minnesota Statutes, chapter 160.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 160.02, is amended by adding a subdivision to read:

*Subd. 14. [NOXIOUS WEEDS.] "Noxious weeds" has the meaning given in section 18.171, subdivision 5.*

Sec. 2. [160.232] [MOWING DITCHES OUTSIDE CITIES.]

*Road authorities may not mow the right-of-way of a highway located outside of a home rule charter or statutory city except as allowed in this section and section 160.23.*

*(a) On any highway, the first eight feet away from the road surface, or shoulder if one exists, may be mowed at any time.*

*(b) An entire right-of-way may be mowed after July 31. From August 31 to the following July 31, the entire right-of-way may only be mowed if necessary for safety reasons, and may not be mowed to a height of less than 12 inches.*

*(c) A right-of-way may be mowed as necessary to maintain sight distance for safety and may be mowed at other times under policies of the commissioner, or by resolution of a local road authority.*

Sec. 3. [EFFECTIVE DATE.]

*This act is effective the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to transportation; restricting mowing of highway rights-of-way outside of cities; amending Minnesota Statutes 1984, section 160.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 160."

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 455, A bill for an act relating to human services; establishing a program in the department of economic security to distribute grants to centers that provide independent living services; appropriating money; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

Reported the same back with the following amendments:

Page 4, delete lines 8 to 14

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

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

The report was adopted.

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

H. F. No. 490, A bill for an act relating to state government; regulating mandates to local units of government; proposing coding for new law as Minnesota Statutes, chapter 256F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [3.981] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] The terms used in sections 1 to 4 have the meanings given them in this section.*

*Subd. 2. [COSTS MANDATED BY THE STATE.] "Costs mandated by the state" means increased costs that a local agency or a school district is required to incur as a result of:*

*(a) a law enacted after June 30, 1985, which mandates a new program or an increased level of service of an existing program;*

*(b) an executive order issued after June 30, 1985, which mandates a new program;*



(c) *an executive order issued after June 30, 1985, which implements or interprets a state statute and, by this implementation or interpretation, increases program levels above the levels required prior to July 1, 1985;*

(d) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a federal statute or regulation and, by this implementation or interpretation, increases program or service levels above the levels required by this federal statute or regulation;*

(e) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by this implementation or interpretation, increases program or service levels above the levels required by the ballot measure;*

(f) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which removes an option previously available to local agencies and thus increases program or service levels or prohibits a specific activity and so forces local agencies to use a more costly alternative to provide a mandated program or service;*

(g) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service;*

(h) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which adds new requirements to an existing optional program or service and thus increases the cost of the program or service as the local agencies have no reasonable alternatives other than to continue the optional program;*

(i) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which creates new revenue losses stemming from new property or sales and use tax exemptions; or*

(j) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires costs previously incurred at local option that have subsequently been mandated by the state.*

**Subd. 3. [EXECUTIVE ORDER.]** "Executive order" means an order, plan, requirement, or rule issued by the governor, an official serving at the pleasure of the governor, or an agency, department, board, or commission of state government. "Executive order" does not include an order, plan, requirement, or rule issued by a regional water quality control board.

**Subd. 4. [LOCAL AGENCY.]** *"Local agency" means a home rule charter or statutory city, county, town, or special district.*

**Subd. 5. [MANDATE.]** *"A mandate" means a requirement which applies to a local agency or school district and which, if not complied with, results in civil liability, criminal penalty, substantial economic sanction such as loss of funding, or severe administrative sanctions such as closure or nonlicensure of a facility or program. "To mandate" means to impose such a requirement.*

**Subd. 6. [REQUIRING AN INCREASED LEVEL OF SERVICE.]** *"Requiring an increased level of service" means requiring that an existing service be provided in a shorter time.*

**Subd. 7. [RULE.]** *"Rule" means a rule, order, or standard of general application adopted by a state agency to implement, interpret, or make specific the law it enforces or administers or to govern its procedure. "Rule" includes an amendment to a rule. "Rule" does not include rules that relate only to the internal management of a state agency.*

**Subd. 8. [SAVINGS.]** *"Savings" includes budget reductions and the freeing of staff or resources to be reassigned to a local agency's or school district's other areas of concern.*

**Subd. 9. [SCHOOL DISTRICT.]** *"School district" includes school districts, community college districts, and county superintendents of schools.*

**Sec. 2. [3.982] [FISCAL NOTES FOR STATE-MANDATED ACTIONS.]**

*When the state proposes to mandate that a local agency or school district take an action, and when reasonable compliance with that action would force the local agency or school district to incur costs mandated by the state, a fiscal note shall be prepared as provided in section 3.98, subdivision 2 prior to the final action necessary to impose the mandate. The fiscal note shall be available to the public before final action on the mandate is taken.*

*When the proposed mandate is initiated by the legislature, the chairman of the standing committee to which the bill proposing the mandate is referred shall request the appropriate agency or department of state government to prepare the fiscal note prior to the time that the bill is heard in the committee. When the proposed mandate is to be issued in an executive order, the governor or appropriate agency head assigned by the governor shall prepare the fiscal note and make it available to the public.*

## Sec. 3. [3.983] [EXCEPTIONS TO FISCAL NOTES.]

*Subdivision 1. [COSTS RESULTING FROM INFLATION.] A fiscal note need not be prepared for increases in the costs of providing an existing service if the increases result directly from inflation. "Resulting directly from inflation" means attributable to maintaining an existing level of service rather than increasing the level of service. A cost-of-living increase in welfare benefits is an example of a cost resulting directly from inflation.*

*Subd. 2. [COSTS NOT THE RESULT OF NEW PROGRAM OR INCREASE IN SERVICE.] A fiscal note need not be prepared for increased local costs that do not result from a new program or an increased level of service.*

*Subd. 3. [MISCELLANEOUS EXCEPTIONS.] A fiscal note need not be prepared for the cost of a mandated action if the law containing the mandate:*

- (a) accommodates a specific local request;*
- (b) results in no new local government duties;*
- (c) leads to revenue losses from exemptions to taxes other than sales, use, or property taxes;*
- (d) provides only clarifying or conforming nonsubstantive changes on local government;*
- (e) imposes additional net local costs which are minor (less than \$200 for any single local government if the mandate does not apply statewide or less than one-tenth of a mill times the entire value of taxable property in the state if the mandate is statewide) and do not cause a financial burden on local government;*
- (f) is a legislative mandate or executive order enacted prior to July 1, 1985, or a regulation initially implementing legislation enacted prior to July 1, 1985;*
- (g) implements something other than a state statute or executive order, such as a federal, court, or voter-approved mandate;*
- (h) appears in rules that are permissive or discretionary in nature;*
- (i) defines a new crime or redefines an existing crime or infraction;*
- (j) provides, or falls within the purview of existing, revenue sources or other financing mechanisms;*

(k) *results in savings that equal or exceed costs; or*

(l) *appears in emergency rules.*

Sec. 4. Minnesota Statutes 1984, section 14.131, is amended to read:

**14.131 [STATEMENT OF NEED AND REASONABLENESS.]**

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule *and a fiscal note if required by section 2*. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge."

Delete the title and insert:

"A bill for an act relating to state government; regulating mandates to local units of government; amending Minnesota Statutes 1984, section 14.131; proposing coding for new law in Minnesota Statutes, chapter 3."

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

The report was adopted.

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

H. F. No. 514, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

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

The report was adopted.

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

H. F. No. 576, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

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

The report was adopted.

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

H. F. No. 599, A bill for an act relating to veterans; requiring the commissioner of veterans affairs to provide certain grave markers; appropriating money; amending Minnesota Statutes 1984, section 197.23.

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

The report was adopted.

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

H. F. No. 611, A bill for an act relating to retirement; authorizing retired St. Paul health bureau employees to rescind previously elected options and elect coverage under the public employees retirement association.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REFUND OF EXCESS CONTRIBUTIONS.]

*Any employee of the St. Paul bureau of health who exercised an option granted to employees by Laws 1973, chapter 767, section 4, to retire with benefits calculated under Minnesota Statutes 1976, chapter 425, as modified by Laws 1969, chapter 1102, and who retired under the provisions of that bureau of health plan shall receive from the public employees retirement association a refund of excess employee contributions from September*

1973 until the date of retirement plus interest as provided in Minnesota Statutes, section 353.34, subdivision 2. Excess employee contributions are the employee contributions paid on salary in excess of the monthly \$888 salary of a health sanitarian on January 1, 1969.

*The public employees retirement association may pay the refunds of the excess employee contributions without application from the bureau of health retirees. Payment should be made within three months of the effective date of this act.*

Sec. 2. [EFFECTIVE DATE.]

*This act is effective July 1, 1985."*

Delete the title and insert:

"A bill for an act relating to retirement; refunding excess employee contributions to retired St. Paul health bureau employees."

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

The report was adopted.

Knickerbocker from the Committee on Governmental Operations 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 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. 623, A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 4; 98.46, subdivision 5; 98.52, by adding subdivisions; and 100.29, subdivision 8.

Reported the same back with the following amendments:

Page 3, delete section 5

Renumber the remaining section

Page 3, line 28, delete everything after "*enactment.*"

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "and"

Page 1, line 6, delete "; and 100.29, subdivision 8"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 634, A bill for an act relating to elections; limiting the number of registration applicants for whom a person may vouch; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

Reported the same back with the following amendments:

Page 1, lines 24 and 25, delete "*one voter*" and insert "*two voters*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 677, A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY; LOCATION.] The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. *If no suitable place is available within the town, then the polling place for a town may be located outside the town within five miles of one of the boundaries of the town.*

Sec. 2. Minnesota Statutes 1984, section 365.51, is amended to read:

**365.51 [ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.]**

There shall be an annual town meeting held in each town on the second Tuesday of March at the place designated by the annual town meeting, and if no designation is so made then at the place designated by the town board. *The place designated may be located outside the town within five miles of one boundary of the town.* In the event of inclement weather the meeting shall be held on another March day designated by the board. The clerk shall give ten days' published notice specifying time and place in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise. All town officers required by law to be elected shall be chosen thereat, and other business done as is by law required or permitted. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

**Sec. 3. [EFFECTIVE DATE.]**

*Sections 1 and 2 are effective the day after final enactment."*

Amend the title as follows:

Page 1, line 3, after "business" insert "and elections"



Page 1, line 4, delete everything after "sections" and insert "204B.16, subdivision 1; and 365.51."

Page 1, delete lines 5 and 6

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 694, A bill for an act relating to natural resources; grants and loans for certain dam reconstruction and repair projects; amending Laws 1979, chapter 300, section 4, subdivisions 2, as amended, 3, and 4.

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. 708, A bill for an act relating to animals; changing certain duties and powers of the board of animal health; increasing certain penalties; amending Minnesota Statutes 1984, sections 35.03; 35.05; and 35.069.

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. 719, A bill for an act relating to agriculture; increasing the number of deputy commissioners of agriculture; establishing a trade office; appropriating money; amending Minnesota Statutes 1984, section 17.01; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [13.76] [MINNESOTA TRADE OFFICE DATA.]**

*If the data are received or prepared to develop trade or investments, the following data maintained by the Minnesota trade office are private data on individuals or nonpublic data:*

- (1) business and individual financial information;*
- (2) price lists;*
- (3) marketing plans;*
- (4) customer lists;*
- (5) sales lists; and*
- (6) data on competitive products.*

**Sec. 2. Minnesota Statutes 1984, section 17.01, is amended to read:**

**17.01 [CREATION OF DEPARTMENT; COMMISSIONER; (DEPUTY) DEPUTIES.]**

**There is created a department of agriculture, which shall be in the charge of a commissioner of agriculture, in this chapter called the commissioner. He shall be appointed by the governor under the provisions of section 15.06. Before entering upon the duties of his office, he shall take the oath required of state officials. He may appoint (A) two deputy (COMMISSIONER) commissioners.**

**Sec. 3. [17.108] [MINNESOTA TRADE OFFICE.]**

**Subdivision 1. [ESTABLISHMENT.] *The Minnesota trade office is established in the department of agriculture to promote, develop, and facilitate international and domestic trade and foreign investment in Minnesota. The commissioner shall appoint a deputy commissioner to direct the Minnesota trade office. The deputy commissioner shall organize the office and employ persons in the unclassified service necessary to perform the duties of the office.***

**Subd. 2. [DUTIES.] *The deputy commissioner shall:***

- (1) locate, develop, and promote markets for Minnesota products and services;***
- (2) arrange and lead trade missions to countries with potential international markets for Minnesota goods, technology, services, and agricultural products;***

(3) *promote Minnesota products and services at national and international trade shows;*

(4) *host foreign trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;*

(5) *develop contacts with Minnesota businesses and gather and provide information to assist the businesses to locate and communicate with foreign trading or joint venture counterparts;*

(6) *inform, educate, and counsel Minnesota businesses about the economic, commercial, legal, and cultural contexts of international trade;*

(7) *provide Minnesota businesses with leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom-brokering;*

(8) *locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;*

(9) *provide foreign businesses and investors desiring to locate facilities in Minnesota with information regarding sources of governmental, legal, real estate, financial, and business services;*

(10) *enter into contracts and arrangements with agents or representatives abroad to promote international trade and attract investment from foreign countries to Minnesota; and*

(11) *perform other activities that will promote international trade.*

Subd. 3. [PROMOTIONAL EXPENDITURES.] *Expenditures of the Minnesota trade office for food, lodging, and travel to promote and develop international trade are exempt from the travel rules of the commissioner of employee relations to the extent those expenditures are approved by the commissioner as necessary and reasonable.*

Subd. 4. [PUBLICATIONS AND SEMINARS.] (a) *The commissioner may sponsor and conduct seminars and may produce, publish, and disseminate reports, publications, and advertisements or other forms of information relating to the promotion of Minnesota in international trade and the attraction of foreign investment. The commissioner may enter into contracts or agreements with other governmental agencies and private parties for the production, publication, and dissemination of these promotional materials and seminars. The contracts and*

*agreements under this subdivision are not subject to the requirements of chapter 16B if the commissioner determines that special needs or circumstances exist.*

*(b) The commissioner may prescribe a schedule of fees for the promotional materials, seminars, and missions according to section 16A.128. The commissioner may consider the distribution objectives of the Minnesota trade office and the cost of furnishing the materials or services in prescribing the fees.*

*(c) Minnesota trade office publications may contain advertising, and the Minnesota trade office may receive advertising revenue from public and private advertisers. The commissioner shall set advertising rates and fees commensurate with services rendered and distribution objectives. The rate may not generate revenues greater than the cost of preparation, printing, and distribution of the publications.*

*(d) The fees for publications, seminars, and advertising are exempt from the rulemaking requirements of chapter 14.*

*(e) All fees for promotional materials, seminars, and advertising must be deposited in the state treasury and credited to the promotional fund under subdivision 5.*

*Subd. 5. [PROMOTIONAL FUND.] The Minnesota trade office fund is established as an account in the state treasury. The commissioner may request, accept, and spend money for the promotion of international trade and foreign investments under section 2. Money received by the commissioner under this subdivision and subdivision 4 must be deposited in the state treasury and credited to the Minnesota trade office fund. Money in the fund including interest earned is annually appropriated to the commissioner for the purposes that the money has been received. The appropriation does not cancel and is available until expended."*

Amend the title as follows:

Page 1, line 6, delete "chapter" and insert "chapters 13 and"

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

The report was adopted.

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

H. F. No. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants

in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

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. 766, A bill for an act relating to crimes; requiring confinement of certain convicted defendants pending imposition of sentence; proposing coding for new law in Minnesota Statutes, chapter 629.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [629.73] [CONFINEMENT PENDING SENTENCING OF CERTAIN CONVICTED DEFENDANTS.]

*When a defendant is convicted of and is awaiting sentence for murder in the first degree or any crime in severity levels VII to X of the sentencing guidelines, the court shall presume that the defendant poses a danger to other persons or to the community under Rule 27.01 of the Rules of Criminal Procedure. The court shall order confinement of the defendant pending sentencing unless the court makes a written finding that the defendant will not flee and does not pose a danger to other persons or to the community. The burden of establishing that the defendant will not flee and will not be a danger to other persons or to the community rests with the defendant.*

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

Amend the title as follows:

Page 1, line 2, delete "requiring" and insert "creating a presumption in favor of the"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred:

H. F. No. 796, A bill for an act relating to Ramsey county; exempting county highways from seasonal load restrictions unless posted by the county authority; proposing coding for new law in Minnesota Statutes, chapter 383A.

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. 800, A bill for an act relating to crimes; making certain trespasses and assaults a gross misdemeanor; providing for the admissibility of certain evidence in domestic abuse prosecutions; amending Minnesota Statutes 1984, sections 609.224 and 609.605; proposing coding for new law in Minnesota Statutes, chapter 634.

Reported the same back with the following amendments:

Page 3, line 8, after the headnote insert "(a)"

Page 3, line 10, after "3," insert "*or of a facility providing transitional housing for battered women and their children,*"

Page 3, after line 14, insert:

*"(b) Whoever occupies or enters a facility providing emergency shelter services for battered women, as defined under section 611A.31, subdivision 3, or a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has the right to give consent, is guilty of a gross misdemeanor."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 815, A bill for an act relating to elections; authorizing absentee voting by electronic voting system; amending Minnesota Statutes 1984, section 203B.08, subdivision 1a.

Reported the same back with the following amendments:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1984, section 206.84, subdivision 3, is amended to read:

Subd. 3. [BALLOTS.] The ballot information, whether placed on the ballot card or on the ballot booklet must, as far as practicable, be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages.

The pages of a partisan primary ballot booklet may be different colors or may otherwise differentiate between the parties. All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment. *Ballot cards may be printed so that identifying numbers appear on the chad."*

Amend the title as follows:

Page 1, line 3, after the semicolon insert "permitting identifying numbers on certain ballots;"

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 4, before the period insert "; and 206.84, subdivision 3"

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. 831, A bill for an act relating to crimes; prescribing the powers of the governor and the commissioner of corrections

with respect to extradition under treaty; amending Minnesota Statutes 1984, section 243.515.

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. 839, A bill for an act relating to crimes; prohibiting escape from custody by certain mental patients; amending Minnesota Statutes 1984, section 609.485, subdivisions 2 and 4.

Reported the same back with the following amendments:

Page 1, line 22, after the period insert "*Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this paragraph.*"

Page 2, lines 3 to 5, delete the new language

Page 2, after line 6, insert:

*"(2) If the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both."*

Page 2, line 7, strike "(2)" and insert "(3)"

Page 2, line 10, strike "(3)" and insert "(4)"

Page 2, line 13, strike "(4)" and insert "(5)"

Page 2, line 13, after "escape" insert "*was a violation of subdivision 2, clause (1), (2), or (3) and*"

Page 2, line 15, strike "(2), and" and after "(3)" insert "*, and (4)*"

Page 2, line 16, strike "(5)" and insert "(6)"

With the recommendation that when so amended the bill pass.

The report was adopted.



Knickerbocker from the Committee on Governmental Operation 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; 14.53; 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; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

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 purposes 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) con-

tinues 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 minimum 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 each benefit year 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 employ-

ment 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 distance 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 eligible for appointment as unemployment judges within the office of administrative hearings, and shall be appointed as such on transfer. All personnel and positions 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 (AND), *except for those hearings held by an administrative law judge of the office of administrative hearings*, (d) the social security disability determination program in the department of economic security, ((D)) (e) the director of mediation services, ((E)) (f) the workers' compensation division in the department of labor and industry, ((F)) (g) the workers' compensation court of appeals, ((G)) (h) the board of pardons, or ((H)) (i) 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 adop-

tion, 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 43A.18, subdivision 4, is amended to read:

Subd. 4. [PLANS NOT ESTABLISHED BUT APPROVED BY COMMISSIONER.] Notwithstanding any other law to the contrary, total compensation for employees listed in this subdivision shall be set by appointing authorities within the limits of compensation plans that have been approved by the commissioner before becoming effective.

(a) Total compensation for employees who are not covered by a collective bargaining agreement in the offices of the governor, attorney general, secretary of state, state auditor and

state treasurer shall be determined by the governor, attorney general, secretary of state, state auditor and state treasurer, respectively.

(b) Total compensation for unclassified positions pursuant to section 43A.08, subdivision 1, clause (h), in the higher education coordinating board, and in the state board of vocational technical education shall be determined by the state university board and the state board for community colleges, the higher education coordinating board, and the state board of vocational technical education, respectively.

(c) Total compensation for classified administrative law judges and *unemployment judges* in the office of administrative hearings shall be determined by the chief administrative law judge.

Sec. 6. Minnesota Statutes 1984, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system and the community college system defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau of mediation services and the public employment relations board;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge, *unemployment judge*, and compensation judge positions in the office of administrative hearings; and

(8) positions of all confidential employees.

Sec. 7. 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 unemployment 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. 8. 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 unemployment 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. 9. 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 there-

for 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) *unemployment 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) *unemployment 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) *unemployment judge* shall be provided by section 268.10, subdivision 5.

Sec. 10. 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) *unemployment 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) *unemployment judge* decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an (APPEAL) *unemployment judge* decision awarding benefits, any benefits paid under the award of such initial determination or (APPEAL TRIBUNAL) *unemployment 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 meaning 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) *unemployment judge* from an initial determination.

(6) If (A REFEREE'S) *an unemployment judge's* decision affirms an initial determination awarding benefits or the commissioner affirms an (APPEAL TRIBUNAL) *unemployment 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. 11. 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 unemployment 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 unemployment 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) unemployment 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) unemployment judge shall exclude from any consolidated hearing the appeal of an*

individual who may be prejudiced because of the consolidation. (A REFEREE) *An unemployment judge shall not hear any appeal in which the (REFEREE) unemployment judge has a direct interest. The parties and the commissioner shall be notified of the (REFEREE'S) unemployment judge's decision and the reason for it. The (REFEREE'S) unemployment judge's decision is deemed to be the final decision unless a further appeal is initiated pursuant to subdivision 5.*

Sec. 12. 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 unemployment 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) unemployment 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. 13. 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 unemployment 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 unemployment 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) *unemployment judge* on the basis of the evidence previously submitted in the case, or remand the matter back to the (REFEREE) *unemployment judge* for the taking of additional evidence and new findings and decision based on all of the evidence before the (REFEREE) *unemployment 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. 14. 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 unemployment 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. 15. 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 unemployment 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 unemployment 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. 16. 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) *unemployment 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) *unemployment 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. 17. 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) *unemployment 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) *unemployment 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) *unemployment judge*, or any duly authorized representative of the commissioner, there to produce evidence if so ordered or there to give testimony 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. 18. 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) *unemployment 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) *unemployment 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 on 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. 19. 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) *unemployment 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) *unemployment 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) *unemployment judge* shall serve upon the interested parties by mail findings of fact and decision. The decision of the (REFEREE) *unemployment 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) *unemployment 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) *unemployment 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) *unemployment judge* and examine the testimony taken and make any findings of fact as the evidence taken before the (REFEREE) *unemployment 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) *unemployment 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 type-written 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) *unemployment 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. 20. 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 unemployment 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. 21. 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 unemployment 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.

Sec. 22. [EFFECTIVE DATE.]

*Article 2 is effective October 1, 1985."*

Amend the title as follows:

Page 1, line 18, after "14.53;" insert "43A.18, subdivision 4; 179A.10, subdivision 1;"

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. 853, A bill for an act relating to flood plain management; establishing a state flood hazard mitigation program to mitigate the damaging effects of floods on public and private properties; authorizing grants-in-aid to local government units for flood damage mitigation; appropriating money; amending Minnesota Statutes 1984, section 104.02; proposing coding for new law in Minnesota Statutes, chapter 104.

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

The report was adopted.

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

H. F. No. 855, A bill for an act relating to retirement; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [423A.07] [ADDITIONS TO BOARD.]

*Notwithstanding any other law, each local police and salaried firefighters relief association may amend its bylaws and its articles of incorporation, if necessary, to provide for the inclusion of retirees on its board.*

*Upon adoption of the amendments, the relief association must file a copy of the amended bylaws with the executive secretary of the legislative commission on pensions and retirement. A relief association amending its articles of incorporation must comply with any statutory requirements pertaining to the filing of amended articles of incorporation.*



Sec. 2. Laws 1969, chapter 576, section 3, subdivision 1, is amended to read:

Sec. 3. Subdivision 1. In lieu of a service pension as provided for in Minnesota Statutes, Section 424.21, the fire department relief association may provide a service pension to a regularly employed full time member of the association as defined in Minnesota Statutes, Section 424.03, who has completed a period or periods of service in the fire department equal to (20) *ten years or more*, and after he has arrived at the age of 50 years or more *or would have attained 20 years of service had active membership continued, whichever is later*, and has retired from the payroll of the fire department, such pension to be a sum equal to (50) *26 percent*, and in addition thereto, *2.6 percent for each year of service beyond ten years but not to exceed 20 years plus one percent per year for each year of service beyond 20 years*, not to exceed a sum equal to (60) *62 percent*, of the salary as payable from time to time during the period of the pension payment to firemen of the highest grade, not including officers of the department, in the employ of the city of St. Louis Park, such pension to be payable for (HIS NATURAL) life in conformity with the bylaws of the association.

Sec. 3. Laws 1969, chapter 576, section 4, subdivision 1, is amended to read:

Sec. 4. Subdivision 1. In lieu of the disability pension and limitations provided for in Minnesota Statutes, Section 424.20, the fire department relief association shall provide for disability benefits to a member of the association on active duty in the department (OF). *For members who have not completed 20 years of service the disability amount is a sum equal to 50 percent of the applicable salary. For members who have completed 20 years of service the disability amount is a sum equal to (50) 52 percent*, and in addition thereto, one percent per year for each year of service performed in the department beyond 20 years, not to exceed a sum equal to (60) *62 percent*, of the salary as payable from time to time during the period of pension payment to firemen of the highest grade, not including officers of the department, in the employ of the city of St. Louis Park, such pension to be payable for such periods of time and at such times as the bylaws of the association provide.

#### Sec. 4. [BYLAW AMENDMENT.]

*Pursuant to Minnesota Statutes, section 356.24, authority is granted to the St. Louis Park fire department relief association to amend its bylaws or articles as required for the purpose of providing a prorated survivor benefit to the surviving spouse and dependent children of a deceased retired firefighter who had at least ten but less than 20 years of service at the time of death. The prorated benefit shall be in that proportion that the years of service of the decedent bears to 20 years.*

**Sec. 5. [VESTED RIGHTS.]**

*No provision of this act shall be construed as reducing or impairing benefits for members vested prior to the effective date of this act.*

*Those benefits include increases granted by resolution of the St. Louis Park city council pursuant to Laws 1980, chapter 607, article XV, section 7. Those increases were as follows:*

*(a) An additional 2.35 percent of the top firefighter salary shall be added to the service pension of members who have completed at least 20 years service.*

*(b) An additional 2.35 percent of the top firefighter salary shall be added to the disability benefits available to members who have completed at least 20 years of service.*

**Sec. 6. [EFFECTIVE DATE.]**

*Section 1 is effective the day following final enactment. The remaining sections are effective upon approval by the governing body of the city of St. Louis Park and upon compliance with Minnesota Statutes, section 645.021."*

Delete the title and insert:

*"A bill for an act relating to retirement; police and salaried firefighters relief associations; permitting retirees on the board of trustees; St. Louis Park firefighters service, disability, and survivor benefits; amending Laws 1969, chapter 576, sections 3, subdivision 1; and 4, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 423A."*

With the recommendation that when so amended 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. 872, A bill for an act relating to crimes; providing for peace officer training of persons who are employed by the commissioner of natural resources and who possess peace officer authority for the purpose of enforcing game and fish laws; providing for the financing of such training through surcharges on penalties imposed for violations of certain laws; amending Minnesota Statutes 1984, section 609.101.

Reported the same back with the following amendments:

Page 1, line 16, after "a" insert "*petty misdemeanor such as a*"

Page 1, line 19, after "sentence" insert "*for the felony, gross misdemeanor, or misdemeanor*"

Page 1, line 20, after the first "fine" insert "*of any amount, including a fine of less than \$100*"

Page 2, line 14, after "*resources*" insert "*who are licensed pursuant to section 626.84, subdivision 1, clause (c), and*"

Amend the title as follows:

Page 1, line 3, after "of" delete the rest of the line and insert "certain licensed employees of the"

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

The report was adopted.

Forsythe from the Committee on Appropriations 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 6, line 10, after "person" insert "*(1) dismisses the court action with prejudice at the time the claim is filed with the fund, or (2)*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 879, A bill for an act relating to agriculture; providing famine relief for African people; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

**"Sec. 2. [STATE FOOD RELIEF PROGRAM.]**

*Subdivision 1. [ADMINISTRATION.] The commissioner of agriculture shall disburse all funds or Minnesota commodities received under this section to nonprofit international relief organizations which are tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended through December 31, 1984. To the extent possible, the commissioner should distribute funds to the nonprofit relief organizations that are best able to leverage other funds and to provide the greatest amount of commodity purchases for the least cost. Funds disbursed by the commissioner should be used for the purchase of Minnesota commodities.*

*Subd. 2. [CONTRIBUTIONS.] Minnesota residents, businesses, farm organizations, and commodity councils are challenged to match state contributions in both funds and donations of needed agricultural commodities. Matching donations may be made directly to the nonprofit relief organization or passed through the commissioner."*

Page 1, line 12, before "GRANTS" insert "SEED"

Page 2, delete lines 2 to 7 and insert:

**"Sec. 4. [REPORT.]**

*The commissioner shall report to the legislature on the extent of relief provided by this act on or before February 1, 1986. The report must contain a summary of the funds and commodities received and disbursed, the amount of funds or commodities provided to each nonprofit relief organization, and, if possible, an accounting from each relief organization of how the funds were spent or the commodities were used."*

Page 2, line 11, delete "2" and insert "3"

Page 2, after line 12, insert:

*"\$ . . . . . is appropriated from the general fund to the commissioner of agriculture for disbursement to nonprofit organizations as provided in section 2, to be available until June 30, 1985.*

**Sec. 6. [EFFECTIVE DATE.]**

*This act is effective the day following final enactment."*

Re-number the sections in sequence.

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. 881, A bill for an act relating to natural resources; providing for annual timber harvest public informational meetings; amending Minnesota Statutes 1984, section 90.041, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, delete "*final*"

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 12, after "*agency*" insert "*in the executive branch*"

Page 1, line 13, after "*1984*" insert a comma

Page 2, lines 19 and 20, delete "*Notwithstanding other law, the council shall establish the compensation of the executive director.*"

Page 2, after line 26, insert:

"Sec. 2. [TRANSITION.]

*All employees of the council on the effective date of this act are appointed to the civil service of the state and shall become state employees without competitive or qualifying examination. The commissioner of employee relations shall place the employees in the proper job classifications. Each employee is appointed at no loss in salary, but no increase in salary until the employee's salary comes within the range for that job classification. The commissioner of employee relations shall establish the compensation range for the executive director of the council. Accumulations of sick leave and vacation benefits earned by the*

*employee shall transfer subject to any maximum allowed in the appropriate state compensation plan."*

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Onnen from the Committee on Health and Human Services to which was referred:

H. F. No. 910, A bill for an act relating to human services; authorizing the commissioner to establish a state advisory planning council; requiring counties to contract with nonprofit organizations; changing set aside project amounts; amending Minnesota Statutes 1984, sections 245.70, subdivision 1; 245.71; 245.711, subdivision 2; and 245.713, subdivision 2.

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

The report was adopted.

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

H. F. No. 930, A bill for an act relating to retirement; volunteer firefighters serving new fire district; service credit; amending Minnesota Statutes 1984, section 424A.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 15, after "*department*" insert a comma and after "*and*" insert "*is*"

Page 1, line 20, delete "*calculated in accordance with section*"

Page 1, line 21, delete "*69.772, subdivision 2,*"

Page 1, line 22, after "*only*" insert "*, and shall be in an amount equal to the accrued liability for the appropriate years of service calculated in accordance with section 69.772, subdivision 2*"

With the recommendation that when so amended 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. 939, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by counties and the metropolitan council; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 473.153, subdivisions 5, 6b, and 7; 473.811, subdivisions 5 and 5a; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

*Subd. 25a. “Recyclable materials” means materials that are separated from solid waste by the generator and collected separately for the purpose of recycling. Recyclable materials includes paper, glass, metals, automobile oil, and batteries.*

Sec. 2. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

*Subd. 25b. “Recycling” means the process of collecting and preparing recyclable materials for reuse in their original form or for use in manufacturing processes.*

Sec. 3. Minnesota Statutes 1984, section 115A.03, subdivision 27, is amended to read:

Subd. 27. “Resource recovery” means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

Sec. 4. Minnesota Statutes 1984, section 115A.84, subdivision 3, is amended to read:

Subd. 3. [PLAN APPROVAL.] A district or county planning a designation for waste generated wholly within the metropolitan area defined in section 473.121 shall submit its designa-

tion plan to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation plan to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within (90) 120 days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2. *The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision.*

Sec. 5. Minnesota Statutes 1984, section 115A.84, subdivision 4, is amended to read:

Subd. 4. [EXCLUSION OF CERTAIN MATERIALS.] When it approves the designation plan, the reviewing authority shall exclude from the designation materials that the reviewing authority determines will be processed at another resource recovery facility if:

(1) the other resource recovery facility is substantially completed or will be substantially completed within 18 months of the time that the designation plan is approved by the reviewing authority; and

(2) the other facility has or will have contracts for purchases of its product; and

(3) the materials are or will be under contract for delivery to the other facility at the time the other facility is completed.

In order to qualify for the exclusion of materials under this subdivision, the operator or owner of the other resource recovery facility shall file with the reviewing authority and the district or county or counties a written description of the facility, its intended location, its waste supply sources, purchasers of its products, its design capacity and other information that the reviewing authority and the district or county or counties may reasonably require. The information must be filed as soon as it becomes available but not later than *30 days following* the date when the county or district submits its designation plan for approval.

The reviewing authority may revoke the exclusion granted under this subdivision when it approves the designation ordinance under section 115A.86 if in its judgment the excluded materials will not be processed at the other facility.

Sec. 6. [115A.918] [DEFINITIONS.]



*Subdivision 1. [SCOPE.] The definitions in this section apply to this section and sections 115A.919 and 115A.921.*

*Subd. 2. [CLOSURE.] "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.*

*Subd. 3. [OPERATOR.] "Operator" means:*

*(1) the permittee of a mixed municipal solid waste disposal facility that has an agency permit; or*

*(2) the person in control of a mixed municipal solid waste disposal facility that does not have an agency permit.*

*Subd. 4. [POSTCLOSURE, POSTCLOSURE CARE.] "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.*

*Subd. 5. [RESPONSE.] "Response" has the meaning given it in section 115B.02, subdivision 18.*

**Sec. 7.** Minnesota Statutes 1984, section 115A.919, is amended to read:

**115A.919 [COUNTY FEE AUTHORITY.]**

*A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the county. The fee in the metropolitan area may not exceed 25 cents per cubic yard or its equivalent. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities.*

*Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of*

section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

Sec. 8. [115A.95] [RECYCLABLE MATERIALS.]

*A resource recovery facility that is burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency may not accept recyclable materials.*

Sec. 9. Minnesota Statutes 1984, section 400.04, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17. *A county that enters into a joint powers agreement under section 471.59 with a metropolitan county as defined in section 473.121, subdivision 4, to accomplish a solid waste management purpose may exercise the powers of the metropolitan county for the purpose of solid waste management under the joint powers agreement.*

Sec. 10. Minnesota Statutes 1984, section 473.153, subdivision 5, is amended to read:

Subd. 5. [ENVIRONMENTAL REVIEW.] An environmental impact statement must be completed on the environmental effects of the council's decisions required by subdivision 6. The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section. The statement must not address or reconsider alternatives eliminated from consideration pursuant to subdivisions 1 and 2 and must not address the matters (TO BE DECIDED) *subject to decision* by the council pursuant to subdivision 6b.

Sec. 11. Minnesota Statutes 1984, section 473.153, subdivision 6b, is amended to read:

Subd. 6b. [CERTIFICATION OF NEED.] No new facility for disposing of ash and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) that the disposal of waste with concentrations of hazardous materials is necessary; and

(b) that (THE) additional ash disposal capacity (PLANNED FOR THE FACILITY) is needed.

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to (THE) ash disposal (FACILITY), including large-scale composting and co-composting of sludge, which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to (SUBDIVISIONS) *subdivision 2 (AND 6)*.

Sec. 12. Minnesota Statutes 1984, section 473.153, subdivision 7, is amended to read:

Subd. 7. [EXEMPTIONS.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site of *less than 500 acres* owned by the commission for the purpose of land-spreading sewage sludge (FOR A PERIOD NO LONGER THAN FOUR YEARS). Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency (, FOR A PERIOD NOT TO EXCEED FOUR YEARS).

Sec. 13. Minnesota Statutes 1984, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT PROPOSAL.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal must address at least waste reduction, separation, and resource recovery. The proposal must include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal must describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and must describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal must include alternatives which could be used to achieve the objectives if the proposed functions and activities are not

established. By August 1, 1984, each county shall provide the council with an analysis of the solid waste generated in the county, by classification of generators and by composition.

*Subd. 1bb. [COUNTY ABATEMENT PLAN.] Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. The county plan must (EMBODY AND BE CONSISTENT WITH AT LEAST) implement the local abatement objectives for the county and cities within the county as stated in the council's plan. The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in annual increments through the date specified in section 26 and in two five-year increments thereafter. The plan must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 26 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.*

Sec. 14. Minnesota Statutes 1984, section 473.803, subdivision 3, is amended to read :

*Subd. 3. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1bb. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.*

Sec. 15. Minnesota Statutes 1984, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. *A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.* Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted (AN) a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. *If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.* Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 16. Minnesota Statutes 1984, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. *The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales.* The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 17. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

*Subd. 11. [EXEMPTION FROM LEVY LIMIT.] Any levy to pay the increased costs to a statutory or home rule charter city or town of implementing waste reduction and source separation programs and facilities consistent with the applicable county master plan adopted under section 473.803 is in addition to any other taxes authorized by law and must be disregarded in the calculation of limits imposed by chapter 275.*

Sec. 18. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

**Subd. 6. [COUNCIL; CERTIFICATION OF NEED.]** No new mixed municipal solid waste disposal facility or capacity shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need *that conform to the certification standards stated in this subdivision.* The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the *provisions of any master plans of counties (ADOPTED PURSUANT TO SECTION 473.803, SUBDIVISION 1B AND) that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule.* The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.

Sec. 19. Minnesota Statutes 1984, section 473.831, is amended to read:

**473.831 [DEBT OBLIGATIONS; SOLID WASTE (DISPOSAL).]**

**Subdivision 1. [GENERAL OBLIGATION BONDS.]** The council may by resolution authorize the issuance of general obli-

gation bonds of the council to provide funds for the (ENVIRONMENTAL ANALYSIS AND ACQUISITION OF PERMANENT OR TEMPORARY RIGHT, TITLE, OR INTEREST IN REAL PROPERTY, INCLUDING EASEMENTS AND DEVELOPMENT RIGHTS, FOR SITES AND SURROUNDING BUFFER AREAS FOR SOLID WASTE DISPOSAL FACILITIES PURSUANT TO THIS SECTION AND SECTIONS 473.833 AND 473.840) *purposes specified in subdivision 2* and (TO PROVIDE FUNDS) for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used by the council (, FOR THE PURPOSES PROVIDED IN SUBDIVISION 1 AND):

(a) *to provide funds for the environmental analysis of solid waste disposal sites; and*

(b) *to make grants to metropolitan counties to pay: (1) the cost of the environmental review of sites, (2) the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, (AND) (3) the acquisition of (ALL PROPERTY OR) permanent or temporary right, title, or interests in property, including easements and development rights, for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to sections 473.833 and 473.840, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e, and (4) the acquisition and improvement of resource recovery facilities.*

If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

Sec. 20. Minnesota Statutes 1984, section 473.840, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) "Qualifying property" is a parcel of real property any part of which is located within the site or buffer area of a candidate site (SELECTED) under section 473.153, (SUBDIVISION 2, FOR PURPOSES OF ENVIRONMENTAL REVIEW UNDER SUBDIVISION 5 OF THAT SECTION,) or a site included in the metropolitan inventory adopted under section 473.149, subdivision 2b, for the purposes of environmental review under section 473.833, subdivision 2a.

(b) An "eligible owner" is a person who: (1) owns the entire parcel of qualifying property; (2) owned the entire parcel of property at the time the site was selected as a candidate site or included in the metropolitan inventory; (3) since the site was selected or included in the inventory, has for at least six months offered to sell the entire parcel on the open market through a licensed real estate agent; and (4) has not previously entered a contract under subdivision 4 for the sale of any or all of the parcel.

Sec. 21. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

*Subd. 1a. [CLOSURE.] "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.*

Sec. 22. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

*Subd. 4a. [POSTCLOSURE, POSTCLOSURE CARE.] "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.*

Sec. 23. Minnesota Statutes 1984, section 473.843, subdivision 7, is amended to read:

Subd. 7. [ADMINISTRATIVE EXPENSES.] Any amount expended by the commissioner of revenue from a general fund appropriation to enforce and administer this section must be reimbursed to the general fund, and the amount necessary to make the reimbursement is appropriated, *one-half* from the land-



fill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 24. Minnesota Statutes 1984, section 473.844, subdivision 2, is amended to read:

Subd. 2. [ALLOCATION.] (a) Up to ten percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for grants under subdivision 1, clause (3).

(b) Up to five percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for technical assistance and (GRANT) administration of grants and loans and municipal cost recovery payments under this section.

Sec. 25. Minnesota Statutes 1984, section 473.844, subdivision 5, is amended to read:

Subd. 5. [LANDFILL ABATEMENT COST RECOVERY.] By January 31, 1986, and each January 31 afterwards, the (DIRECTOR OF THE AGENCY) council shall pay each statutory and home rule charter city and town in the metropolitan area: (1) an amount not to exceed 50 cents per household, as defined in section 477A.011, subdivision 3a, for qualifying landfill abatement and resource recovery expenses incurred in the previous calendar year; and (2) \$4 per ton of recyclable material collected and recycled from residential sources within the city or town. To qualify under (THIS SUBDIVISION) clause (1), the landfill abatement and resource recovery must be included in the applicable county master plan or approved by the metropolitan council, and the city or town must certify its expenses (FOR THE LANDFILL ABATEMENT AND RESOURCE RECOVERY). To qualify under clause (2), the city or town must certify, in the manner and form determined by the council, the tons collected and recycled. The amounts necessary to make these payments are appropriated from the metropolitan landfill abatement fund to the director of the agency for transfer to the council.

Sec. 26. [473.848] [RESTRICTION ON DISPOSAL.]

After January 1, 1990, waste disposal facilities located in the metropolitan area may not accept mixed municipal solid waste for disposal unless the waste has been transferred to the disposal facility from a resource recovery facility identified by the council. For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.

Sec. 27. Laws 1984, chapter 644, section 81, subdivision 2, is amended to read:

Subd. 2. [REIMBURSEMENT.] Any amount expended by the agency and metropolitan council from the appropriations in subdivision 1 shall be reimbursed to the general fund (, AND). The amount necessary to make the reimbursement of the appropriation in section 25, clause (1) is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund, and the amount necessary to make the reimbursement of the appropriation in section 25, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 28. [ANOKA COUNTY; RESOURCE RECOVERY.]

Subdivision 1. [SERVICE CHARGES; EXPENDITURES.] *Anoka county may exercise the powers of a county under Minnesota Statutes, section 400.08, in addition to the powers that the county may exercise under other law. The county may expend funds for resource recovery purposes under sections 473.801 to 473.845.*

Subd. 2. [LEASE OR SALE OF PROPERTY.] *Anoka county may sell or lease any facilities or property or property rights to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823, 473.827, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by section 458.196, or may be sold or leased in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired under this section may be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.*

Subd. 3. [APPLICATION.] *This section applies to Anoka county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.*

Sec. 29. [APPROPRIATION.]

Subdivision 1. [AMOUNTS.] *The following amounts are appropriated from the metropolitan landfill abatement fund to the pollution control agency for the purposes stated:*

(a) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (1),

\$ ..... \$ .....

(b) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (2),

\$ ..... \$ .....

(c) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (3),

\$ ..... \$ .....

(d) for transfer to the metropolitan council for expenditure under section 473.844, subdivision 1, clause (4),

\$ ..... \$ .....

*Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium for the same purpose.*

*Subd. 2. [CONTINGENCY.] The appropriations in this section are contingent upon payment of the general fund reimbursements required in Laws 1984, chapter 644, section 81, subdivision 2, as amended, and subdivision 3, and the appropriations in sections 473.843, subdivision 7, and 473.844, subdivision 5. If in any year the amount remaining in the abatement fund after these payments is insufficient for the appropriations in this section, the appropriation in clause . . . is reduced accordingly.*

#### Sec. 30. [APPLICATION.]

*Sections 10 to 26 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Delete the title and insert:

"A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03,

subdivision 27, and by adding subdivisions; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473."

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

The report was adopted.

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

H. F. No. 956, A bill for an act relating to solid waste management; extending and making changes in the state program for providing capital assistance to local governments for processing facilities; authorizing bonds; appropriating bond funds; amending Minnesota Statutes 1984, sections 115A.49; 115A.52; 115A.54, by adding a subdivision; and 115A.59.

Reported the same back with the following amendments:

Page 5, line 4, before the period insert "*, including work necessary to prepare the report required under section 5*"

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

The report was adopted.

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

H. F. No. 960, A bill for an act relating to peace officers; eligibility for benefits of certain firefighters killed in the line of duty; amending Minnesota Statutes 1984, sections 352E.01, subdivision 2; and 352E.04.

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. 971, A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116; 144; and 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.46] [DEFINITIONS.]

*Subdivision 1. [SCOPE.] As used in sections 1 to 5, the terms defined in this section have the meanings given them.*

*Subd. 2. [AGENCY.] "Agency" means the pollution control agency.*

*Subd. 3. [COMMISSIONER.] "Commissioner" means the state commissioner of health appointed pursuant to section 144.011.*

*Subd. 4. [RESPONSE ACTION.] "Response action" means measures to limit exposure to soil lead contaminated sites, including such measures as fencing, covering sites with vegetation, removal and replacement of contaminated soil, and other appropriate measures.*

*Subd. 5. [ELEVATED BLOOD LEAD LEVEL.] "Elevated blood lead level" means a confirmed concentration of 25 micrograms or more of lead in each deciliter of whole blood.*

Sec. 2. [116.47] [IDENTIFICATION OF LEAD CONTAMINATED SOIL SITES.]

*Subdivision 1. [PRELIMINARY SCREENING.] By January 1, 1986, the agency must identify and develop a preliminary list of sites in the state where significant concentrations of lead in soil are probable and where response action may be required to reduce lead exposure. This list is not subject to the rulemaking provisions of chapter 14. In identifying these sites the agency must consider:*

*(1) both stationary and mobile lead emission sources;*

*(2) dispersion and depositional patterns of lead emissions;*  
*and*

(3) *the presence of populations susceptible to lead exposure or lead absorption, including children at day care centers, schools, parks, and playgrounds, children who have elevated blood lead level, and children whose socioeconomic status predispose a higher exposure to lead or increased lead absorption.*

*Subd. 2. [SOIL TESTING.] By January 1, 1987, the agency must sample, to the extent that funds are available, sites on the preliminary list to determine what soil lead levels exist. The agency must refer to the commissioner those sites on the preliminary list where soil lead exceeds the interim soil lead standard of 1,000 parts per million. After adoption of the rules required under section 3, subdivisions 1 and 2, the agency shall refer to the commissioner all sites with levels above the soil lead standard adopted in the rules.*

*Subd. 3. [HEALTH SCREENING.] For each site referred by the agency, the commissioner must review the existing health data on the resident population or collect data on blood lead levels if present data is inadequate. If elevated blood lead levels are found in a population at a site, the commissioner shall examine the site for all sources of lead exposure and report to the agency its findings and recommendations to reduce elevated blood lead levels.*

### **Sec. 3. [116.48] [SOIL LEAD CLEANUP.]**

*Subdivision 1. [SOIL LEAD STANDARD.] By January 1, 1988, the agency must adopt rules that establish a level of soil lead contamination which poses a threat to the health or welfare of susceptible populations and require response action.*

*Subd. 2. [PRIORITIES FOR RESPONSE ACTION.] By January 1, 1988, the agency must adopt rules establishing criteria for determining the priority for purposes of response action among sites that pose a threat to health or welfare under subdivision 1. The rules must take into account the potential for children's contact with the soil and the existing level of lead in the soil and may consider the relative risk to the public health, the size of the population at risk, the blood lead levels of resident populations, and other appropriate factors. After these rules are adopted, a permanent priority list shall be established and may be modified from time to time according to the criteria set forth in the rules.*

*Subd. 3. [INTERIM PRIORITIES.] Until the rules required by subdivisions 1 and 2 become effective and to the extent that funds are available, the agency must take response action at sites on the preliminary list with levels above the interim standard. Until the rules in subdivision 2 become effective, areas with the highest soil lead level and the greatest number of children exposed shall be given priority for response action.*

**Subd. 4. [ACCESS TO PROPERTY.]** *The agency or any member, employee, or agent of it authorized by the agency may, upon presentation of credentials, enter upon any public or private property for the purpose of conducting surveys or investigations and taking response actions.*

**Subd. 5. [MAINTENANCE OF RESPONSE ACTIONS.]** *No person shall disturb response actions taken by the agency or the integrity of any existing ground cover at sites where the soil exceeds the lead level established in subdivision 1 unless the agency finds that the disturbance:*

(1) *is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or*

(2) *is necessary to reduce a threat to human health or the environment.*

**Subd. 6. [REPORT ON RESPONSE ACTIONS.]** *By January 1, 1987, the agency shall submit to the legislature a report describing the extent of soil lead contamination, the blood lead levels of populations at contaminated sites, the size of a population at risk from soil lead exposure, and an estimate of the cost of response actions required to prevent exposure to lead contaminated soil.*

#### **Sec. 4. [116.49] [LEAD POLLUTION CONTROL FUND.]**

**Subdivision 1. [ESTABLISHMENT.]** *The lead pollution control fund is created as an account in the state treasury. The purpose of this fund is to respond to environmental and public health problems caused by the emission of lead into the air, soil, and water.*

**Subd. 2. [PURPOSES FOR WHICH MONEY MAY BE SPENT.]** *Subject to appropriation by the legislature, the money in the fund may be spent for any of the following purposes:*

(1) *preparation by the agency for taking response actions dealing with lead contaminated soil, including investigations, monitoring and testing activities, rule development, and establishment of standard methods for sampling and laboratory analysis of soil lead;*

(2) *taking response actions necessary to prevent or minimize the exposure of persons to soil lead;*

(3) *development and operation of programs by the commissioner to perform blood screening tests on persons to determine blood lead levels, to review existing blood lead data, and to estab-*

lish standard laboratory testing and reporting requirements for blood lead testing;

(4) education by the agency and the commissioner about lead in the environment;

(5) revising agency rules to establish reasonably available control measures to reduce lead from the sandblasting of painted surfaces;

(6) payment of costs to adopt rules for soil lead contamination and priorities for response action; and

(7) development and operation of programs by the commissioner or the agency to determine the extent of lead contamination in the environment.

**Sec. 5. [144.491] [COMMISSIONER'S DUTIES RELATING TO LEAD ABSORPTION.]**

*The commissioner of health shall take appropriate acts to:*

(1) *provide coordination and advice to community programs that test children for lead in their blood in order to assure that these testing services are conducted in a safe and appropriate manner, are targeted to children throughout the state risking lead contamination or absorption, and generate data which may be analyzed on a statewide basis;*

(2) *provide coordination and advice, in order to assure adequate skill and efficiency, to those laboratories within the state that conduct Erythrocyte Protoporphorin testing, confirmatory blood lead testing, and testing of paint chips and other environmental lead sources in support of local lead absorption testing programs;*

(3) *provide for public and professional education concerning lead contamination or absorption and its health effects on children;*

(4) *review of state and local housing codes and advise the governing bodies or administrative departments adopting or administering those codes in order to assure that the hazard of absorption or contamination from leaded paint is adequately addressed or considered, and provide technical support for enforcement of these codes by local health departments and local building inspection departments; and*

(5) *study and determine the extent of exposure to lead in drinking water caused by plumbing and develop recommendations and techniques for reducing this exposure.*



## Sec. 6. [APPROPRIATION; COMPLEMENT.]

*The following amounts are appropriated for the purposes stated:*

(a) \$ . . . . . is appropriated from the general fund and transferred to the lead pollution control fund established in section 4. This appropriation is available until expended.

(b) \$ . . . . . is appropriated from the lead pollution control fund established in section 4 to the pollution control agency for the purposes of administering sections 1 to 4. One-half of this amount is available for the fiscal year ending June 30, 1986, and one-half is available for the fiscal year ending June 30, 1987.

(c) All money in the lead pollution control fund not otherwise appropriated is appropriated for the purposes of response action as defined in section 1, subdivision 4. This appropriation is available until June 30, 1987.

(d) \$ . . . . . is appropriated from the general fund to the commissioner of health for the purpose of administering section 5. This appropriation is available until June 30, 1987.

*The complement of the pollution control agency is increased by . . . . . positions.*

*The complement of the department of health is increased by . . . . . positions.*

## Sec. 7. [FINDING; APPROPRIATIONS.]

*Subdivision 1. [FINDINGS.] The legislature finds that 12 northern counties in the state have been impacted more than other counties by the fall of acid rain and that as a result, the acidity of the soil in these counties is greater than in others. The legislature further finds that the state department of transportation owns approximately 100,000 cubic yards of lime sludge that would be highly effective as an agent to neutralize the acidity of the soil in these 12 northern counties, thus improving the condition of the soil for agricultural purposes. For these reasons, and because in several of these counties the residents have been severely adversely impacted by recent economic conditions, the legislature finds it would be highly appropriate and desirable to provide state funding to the commissioner of transportation to support the sale of the lime sludge in the counties of Chisago, Isanti, Mille Lacs, Kanabec, Pine, Carlton, Aitkin, St. Louis, Cook, Lake, Itasca, and Koochiching.*

*Subd. 2. [APPROPRIATION.] \$ . . . . . is appropriated from the general fund to the commissioner of transportation for the purpose of facilitating the sale and transportation of*

*100,000 cubic yards of lime sludge owned by the department of transportation and located on the west bank of the Mississippi River within the city of Minneapolis. Priority shall be given to disposal options which will allow utilization of this material for agricultural purposes in the counties named in subdivision 1. This appropriation does not cancel and remains available until expended.*

*Subd. 3. [FEDERAL ASSISTANCE.] The commissioner of transportation shall apply for and use all appropriate sources of financial reimbursement available from the United States for the purpose of the sale and transport authorized in subdivision 2."*

Amend the title as follows:

Page 1, line 6, after "health" insert "; facilitating the sale and transportation of certain lime sludge"

Page 1, line 8, delete the first semicolon and insert "and" and delete "; and 325E"

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

The report was adopted.

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

H. F. No. 982, A bill for an act relating to veterans; providing space in the veterans service building for certain veterans organizations; amending Minnesota Statutes 1984, section 197.58.

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

The report was adopted.

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

H. F. No. 988, A bill for an act relating to consumer protection; prohibiting certain deceptive advertising practices; amending Minnesota Statutes 1984, sections 325F.68, by adding a subdivision; and 325F.69, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, before the colon insert "*at this location or within a relevant market area*"

Page 1, delete line 25

Page 2, delete line 1

Page 2, line 11, delete "(5)" and insert "(4)"

Renumber the remaining clauses

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 990, A bill for an act relating to agriculture; providing for registration of crop and livestock buyers in licensing application; establishing a registration system for buyers of farm products; describing when farm products are purchased subject to a security interest; restricting certain financing statements to only cover crops; reducing the effective period of financing statements covering crops; amending Minnesota Statutes 1984, sections 17A.04, subdivisions 2, 5, and by adding a subdivision; 223.17, by adding a subdivision; 336.9-307; 336.9-402; 336.9-403; 336.42; proposing coding for new law as Minnesota Statutes, chapter 223A; repealing Minnesota Statutes 1984, section 386.43.

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

The report was adopted.

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

H. F. No. 997, A bill for an act relating to the city of Crystal; regulating the holding of public offices by council members; providing for the adoption of emergency ordinances.

Reported the same back with the following amendments:

Page 1, line 19, before the period, insert "*, and shall expire December 31, 1987*"

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. 1008, A bill for an act relating to improvement of the Duluth zoo; appropriating funds from the general fund for its improvement.

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1010, A bill for an act relating to education; authorizing the collection and setoff of debts to the state university system; proposing coding for new law in Minnesota Statutes, chapter 136.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 487.30, is amended by adding a subdivision to read:

*Subd. 3a. [JURISDICTION; STUDENT LOANS.] Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:*

*(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;*

*(b) the loan or loans are overdue at the time the action is commenced;*

*(c) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(d) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(e) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.*

Sec. 2. Minnesota Statutes 1984, section 488A.12, subdivision 3, is amended to read :

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

*(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located,*

*to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:*

*(1) the student loan or loans were originally awarded in Hennepin county;*

*(2) the loan or loans are overdue at the time the action is commenced;*

*(3) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.*

Sec. 3. Minnesota Statutes 1984, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1,250. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if

the notice of nonpayment or dishonor described in section 609.-535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.

*(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:*

*(1) the student loan or loans were originally awarded in Ramsey county;*

*(2) the loan or loans are overdue at the time the action is commenced;*

*(3) the amount of any single loan sought to be recovered does not exceed \$2,500;*

*(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and*

*(5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.*

*Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued."*

Delete the title and insert:

"A bill for an act relating to education; authorizing the collection of student loans in conciliation courts; amending Minnesota

Statutes 1984, section 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3."

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

The report was adopted.

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

H. F. No. 1019, A bill for an act relating to retirement; Virginia police; definition of prevailing pay; retirement and survivor benefit supplements; amending Laws 1982, chapter 574, sections 3, subdivision 9; and 5.

Reported the same back with the following amendments:

Page 1, line 19, before the period insert "*In the case of police officers who are required to accept a position of lower rank prior to their retirement, the pension shall be based on the prevailing pay of the higher rank*"

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. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and 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.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1057, A bill for an act relating to the revenue recapture act; including the University of Minnesota in the definition of claimant agency; amending Minnesota Statutes 1984, sections 270A.02; and 270A.03, subdivision 2.

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. 1070, A bill for an act relating to occupations and professions; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; appropriating money; amending Laws 1984, chapter 631, section 1, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 241.

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

The report was adopted.

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

H. F. No. 1077, A bill for an act relating to retirement; disability benefits for newly hired Faribault firefighters; amending Laws 1947, chapter 43, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [RATIFICATION OF RESCISSION BY FARIBAULT CITY COUNCIL.]

*The action of the Faribault city council of March 26, 1985, rescinding the adoption of the resolution of the Faribault city council of August 8, 1980, exempting from phase out the Faribault police and firefighters relief associations, is ratified and confirmed.*

*By rescission of the resolution of August 8, 1980, and the enactment of the March 26, 1985, resolution, all salaried firefighters and police officers hired prior to October 23, 1984, shall remain as members of the Faribault firefighters relief association or Faribault relief association, whichever is applicable. All salaried firefighters and police officers hired on or after October 23, 1984, shall be members of the public employees retirement association.*

*By rescission of the resolution of August 8, 1980, the provisions of Laws 1980, chapter 607, article 15, sections 4, 5, and 7, are made applicable to the municipality and relief associations, where applicable.*

Sec. 2. [PAYMENT OF AMORTIZATION STATE AID.]

*Pursuant to Laws 1980, chapter 607, article 15, section 5, the city of Faribault, having modified the coverage of its salaried firefighters and police, shall be entitled to the payment of the amounts of amortization state aid as provided by law now coded in Minnesota Statutes, section 423A.02.*

*The amounts of the amortization state-aid payments for years after 1985 shall be paid to the city of Faribault following application to the commissioner of finance pursuant to section 432A.02. Payments of amortization state aid for years 1980 through 1985 shall be paid by the commissioner of finance upon special application from the city of Faribault upon appropriation of the amount in section 3.*

### Sec. 3. [APPROPRIATION.]

*There is appropriated from the general fund the amount of \$225,672 for the purpose of paying the amortization state-aid payments to the city of Faribault for the years 1980 through 1985.*

### Sec. 4. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment. Sections 2 and 3 are effective July 1, 1985."*

Delete the title and insert:

*"A bill for an act relating to retirement; Faribault firefighters and police relief associations; approval of rescission of exemption from modification of pension coverage; 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.

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

H. F. No. 1095, A bill for an act relating to retirement; public employees retirement association; permitting certain former municipal court judges to receive a deferred early retirement annuity notwithstanding the law in effect on the date of their termination of public service; amending Minnesota Statutes 1984, section 353.34, 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.

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

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; amending Minnesota Statutes 1984, section 16B.19, subdivision 5; 16B.21, subdivision 1; and 16B.22.

Reported the same back with the following amendments:

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 1984, section 16B.19, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16B.17 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons *or that at least ten percent of the contract award be expended in purchasing materials or supplies from said person or persons. If there is no socially or economically disadvantaged person or persons or other small businesses able to perform the subcontract or to provide the supplies or materials, the construction contract or contract for consultant, professional, or technical services may be awarded notwithstanding the ten percent requirement provided that the ten percent requirement is made up in other such contracts awarded or to be awarded by the same agency.* Any subcontracting or purchasing of supplies and materials pursuant to this subdivision (MAY NOT) must be included in determining the total amount of awards required by subdivisions 1, 2, and 5. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of

\$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work *or supplying supplies and materials on the prime contract and the dollar amount of the work performed or to be performed or the supplies and materials to be supplied.*

This subdivision does not apply to prime contractors that are themselves small businesses owned and operated by socially or economically disadvantaged persons, as duly certified pursuant to section 16B.22.

Sec. 3. Minnesota Statutes 1984, section 16B.19, subdivision 9, is amended to read:

Subd. 9. [PROCUREMENT PROCEDURES.] All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply equally to procurements designated for small businesses. In the event of conflict with other rules, *section 16B.18 and rules adopted under it govern if section 16B.18 applies. If it does not apply, sections 16B.19 to 16B.22 and rules adopted under those sections govern.*

Sec. 4. Minnesota Statutes 1984, section 16B.19, is amended by adding a subdivision to read:

Subd. 10. [APPLICABILITY.] *This section does not apply to construction contracts or contracts for consultant, professional, or technical services pursuant to section 16B.17 which are financed in whole or in part with federal funds and which are subject to federal disadvantaged business enterprise regulations."*

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 645.445, subdivision 5, is amended to read:

Subd. 5. "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic conditions. This disadvantage may arise from cultural, social or economic circumstances, or background, physical location if the person resides or is employed in an area designated a labor surplus area by the United States department of labor, or other similar cause. It includes racial minorities, women, or persons who have suffered a substantial physical disability. *For purposes of sections 16B.19 to 16B.22, the definition of "socially or economically disadvantaged person" includes sheltered workshops and work activity programs."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "subdivision 5" and insert "subdivisions 5, 6, 9, and by adding a subdivision"

Page 1, line 7, delete "and" and before the period insert "; and 645.445, subdivision 5"

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. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

Reported the same back with the recommendation that 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. 1152, A bill for an act relating to Winona county: authorizing the sale of certain property.

Reported the same back with the following amendments:

Page 1, line 10, after "sale" insert "*free of any public purposes requirement or limitation*"

Page 2, line 14, delete "59.08" and insert "595.08"

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

The report was adopted.

Carlson, D., from the Committee on Transportation to which was referred :

H. F. No. 1180, A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections; amending Minnesota Statutes 1984, section 169.20, subdivisions 1 and 3.

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

The report was adopted.

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

H. F. No. 1242, A bill for an act relating to retirement; authorizing an amendment to the articles of incorporation of the Duluth teachers retirement fund association.

Reported the same back with the following amendments :

Page 2, line 5, delete "*one percent greater than*"

Page 2, line 7, after "*have*" insert "*up to one percent*"

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

The report was adopted.

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

S. F. No. 69, A bill for an act relating to transportation; redesignating portion of trunk highway; amending Minnesota Statutes 1984, section 161.14, subdivision 6.

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

The report was adopted.

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

S. F. No. 207, A bill for an act relating to crimes; defining sports bookmaking; amending Minnesota Statutes 1984, sections 299C.065, subdivision 1; and 609.75, subdivision 7.

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

The report was adopted.

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

S. F. No. 247, A bill for an act relating to veterans; establishing a memorial to veterans of certain wars in the Court of Honor on the Capitol grounds.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 546, A bill for an act relating to agriculture; appropriating money for the state board of vocational technical education and the agricultural extension service of the University of Minnesota.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDINGS.]

*The legislature finds that a crisis situation exists in rural Minnesota that demands state action. The legislature finds that there is a lack of comprehensive, sound, financial data on which to design a state relief program for farmers. The severe problems facing farmers require an immediate and comprehensive data collection effort to thoroughly document the extent and nature of the problem in order to allow the state to design an agriculture program that will best utilize the state's limited resources and best direct the state resources to the farmers who are most in need. The legislature further finds that this crisis can in part be eased and this need be met by providing additional support for efforts of the agricultural extension service and*

*vocational technical education system aimed at enhancing farm financial recordkeeping and evaluating existing farm financial information.*

**Sec. 2. [TASK FORCE CREATED.]**

*Subdivision 1. [MEMBERSHIP.] The data collection task force is created to consist of two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the senate committee on committees, the director of the agricultural extension service, the director of the vocational technical education system, a representative appointed by the governor, and two representatives appointed by the commissioner of agriculture.*

*Subd. 2. [DUTIES.] The duties of the data collection task force are to:*

*(1) develop a uniform procedure for collecting data on the financial status of agriculture in Minnesota;*

*(2) oversee the implementation of the farm crisis intervention act; and*

*(3) report the results of the program to the legislature no later than December 31, 1985.*

*Subd. 3. [REPORT.] The report to the legislature must summarize the financial condition of farmers in Minnesota and include summary statistics on the number of foreclosures, the degree and extent of delinquent payments, the amount and types of outstanding debt including information on the interest charged on that debt, the levels and changes in levels on farm asset values, the level of income and expenditures, and the relevant tax burdens. The report must also include any other information that the data collection task force determines is relevant. The staff needed to assemble the report shall come from the existing staff of the agricultural extension service and the vocational technical education system.*

*Subd. 4. [DATA PRIVACY.] To the extent allowable under the data privacy act, all data shall be summarized and made available for release to the legislature. The task force shall forward the public information that it collects to the department of agriculture.*

*Subd. 5. [COMPENSATION.] The expenses and per diem payments of the legislative members of the task force shall be paid from the legislative expense fund of their respective body. Compensation and expenses for nonlegislative members of the task force shall be in accordance with the provisions of section 15.059 except that payments shall be as follows. Public employees*



*will not receive the \$35 per day and will not be subject to the corresponding loss of compensation and benefits as required by section 15.059. Members who are not public employees will receive compensation and expenses as provided in section 15.059. Compensation and expenses of nonlegislative members shall be paid in equal parts by the legislative expense funds of the house and senate.*

*Subd. 6. [EXPIRATION.] The data collection task force shall cease to exist within ten days of submitting its report to the legislature.*

### Sec. 3. [APPROPRIATIONS; AVTL.]

*There is appropriated \$1,166,550 from the general fund to the state board of vocational technical education to provide farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

(1) Computer software, hardware, and training	\$564,200
(2) Support staff vo-ag farm management instructors	\$159,000
(3) Travel supplement for vo-ag agents	\$ 54,600
(4) Tuition supplement	\$150,000
(5) Project activity, coordination, and publicity	\$ 40,000
(6) Emergency financial planning and loan processing support for FMHA	\$198,750

*This appropriation is not subject to the allocation procedures for instructional aid in Minnesota Statutes, chapter 136C.*

### Sec. 4. [APPROPRIATIONS; A.E.S.]

*Subdivision 1. [FARM CRISIS INTERVENTION.] There is appropriated \$402,500 from the general fund to the University of Minnesota for use by its agricultural extension service in providing farm financial crisis intervention services, to be available until June 30, 1985, as follows:*

(1) Computer hardware, software training and compensation	\$277,500
(2) Travel supplement for agricultural extension service agents	\$100,000
(3) Project activity, coordination, and publicity	\$ 25,000

*Subd. 2. [LIMITATION.] The money appropriated in this section is in addition to money already available to the agricultural extension service and may not be used to pay for programs, staff, or materials which are already budgeted or funded.*

Sec. 5. [EFFECTIVE DATE.]

*This act is effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 10, 86, 91, 191, 234, 245, 264, 285, 323, 360, 379, 409, 514, 576, 611, 619, 623, 634, 677, 694, 708, 729, 766, 796, 800, 815, 831, 839, 847, 855, 876, 881, 897, 930, 960, 982, 988, 997, 1019, 1032, 1057, 1095, 1109, 1145, 1152, 1180 and 1242 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 207, 247 and 546 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Bishop introduced:

H. F. No. 1370, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; amending Minnesota Statutes 1984, chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961, chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980, chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9;

repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

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

Bishop introduced:

H. F. No. 1371, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain laws; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 3C.12, subdivision 2; 8.31, subdivision 2; 13.37, subdivision 2; 14.47, subdivision 8; 16A.065; 16A.133, subdivision 1; 16B.64, subdivision 2; 21.92; 35.09, subdivision 1; 42.09, subdivision 9; 46.046, subdivision 1; 47.101, subdivisions 2 and 3; 47.29, subdivision 1; 47.30, subdivisions 2 and 3; 47.51; 48.89, subdivision 1; 60A.03, subdivision 2; 62D.04, subdivision 1; 62D.041, subdivision 5; 62D.09; 62H.06; 83.23, subdivision 3; 106.631, subdivisions 2 and 4; 116J.58, subdivision 4; 122.531, subdivisions 3a and 5; 124A.03, subdivision 3; 204B.14, subdivision 5; 214.13, subdivision 4; 240.16, subdivision 6; 256B.431, subdivision 4; 257.67, subdivision 3; 260.121, subdivision 3; 268.04, subdivision 32; 268.08, subdivision 1; 268.675, subdivision 1; 270.84, subdivision 1; 290.531; 290A.111, subdivision 2; 296.18, subdivision 1; 297A.391; 307.06; 309.502; 349.51, subdivision 5; 352.01, subdivision 2A; 360.531, subdivision 7; 363.071, subdivision 1; 388.051, subdivision 2; 422A.101, subdivision 2; 453.55, subdivision 11; 473.384, subdivision 6; 473.446, subdivision 1; 474.17, subdivision 3; 474.19, subdivisions 3 and 7; 519.01; 525.619; 571.41, subdivision 5b; amending Laws 1984, chapter 463, article 7, section 53, subdivision 2; reenacting Minnesota Statutes 1984, sections 10A.31, subdivision 5; 62D.03, subdivision 4; repealing Minnesota Statutes 1984, sections 124A.035, subdivision 6; 177.295; 204B.19, subdivision 3; repealing Laws 1977, chapter 434, sections 4 and 5; chapter 386, section 1; Laws 1978, chapter 772, section 8; Laws 1980, chapter 522, section 4; Laws 1983, chapter 222, section 14; chapter 247, sections 122, 176, and 217; chapter 253, section 19; chapter 299, section 20; chapter 301, section 220; chapter 314, article 11, section 19; chapter 359, section 149; Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g); chapter 468, section 1; chapter 471, sections 14, 15, and 16; chapter 514, article 2, section 13; chapter 541, section 1; chapter 543, section 8; chapter 618, section 59; that part of Laws 1984, chapter 629, section 2, that amends section 375.193; Laws 1984, chapter 638, section 3; chapter 654, article 2, section 118.

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

**Murphy introduced:**

**H. F. No. 1372, A bill for an act relating to fines; providing for distribution of more state and county court fine money to municipalities; amending Minnesota Statutes 1984, sections 299D.03, subdivision 5; and 487.33, subdivision 5.**

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

**Segal, Rest and Tomlinson introduced:**

**H. F. No. 1373, A bill for an act relating to housing; requiring a written disclosure notice to accompany the sale of homes on leased land; proposing coding for new law in Minnesota Statutes, chapter 325F.**

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

**Begich and Battaglia introduced:**

**H. F. No. 1374, A bill for an act relating to mines and minerals; prescribing fencing of unused mine pits and shafts; providing exceptions to tort liability in regard to certain water access sites related to mining areas; providing for a study and report; providing penalties; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 180.03, subdivisions 2, 3, and 4; 180.10; and 466.03, by adding a subdivision.**

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

**Schreiber, Knickerbocker and Scheid introduced:**

**H. F. No. 1375, A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections 118.005, subdivision 1; 118.01; 475.66, subdivision 1; and 475.76, subdivision 1.**

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

Nelson, D.; Heap; Backlund; Wenzel and McEachern introduced:

H. F. No. 1376, A bill for an act relating to education; modifying the definitions of teachers and of supervisory and support personnel for the purpose of licensure; modifying the kinds of personnel licensed by the board of teaching and the state board of education; changing the membership of the board of teaching; amending Minnesota Statutes 1984, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivision 3.

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

Anderson, G.; Tunheim; Peterson; Brinkman and Rodosovich introduced:

H. F. No. 1377, A bill for an act relating to taxation; modifying the procedure used by the state board of equalization for determining property values for taxes payable in 1986.

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

Price, Skoglund, Kostohryz, Beard and Vellenga introduced:

H. F. No. 1378, A bill for an act relating to animals; prohibiting keeping of certain wild, exotic, or vicious animals; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

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

Kvam, Himle and Seaberg introduced:

H. F. No. 1379, A bill for an act relating to state government; providing for a warranty for certain small business preferences and set-asides; amending Minnesota Statutes 1984, section 16B.19, by adding a subdivision.

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

Redalen introduced:

H. F. No. 1380, A bill for an act relating to taxation; modifying the procedure used by the state board of equalization for determining property values for taxes payable in 1986.

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

Redalen introduced:

H. F. No. 1381, A bill for an act relating to taxation; property; providing for homestead classification in certain cases for agricultural land occupied by persons holding a remainder interest in the property; amending Minnesota Statutes 1984, section 273.13, subdivision 6.

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

Cohen introduced:

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

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

Stanislaus introduced:

H. F. No. 1383, A bill for an act relating to corrections; requiring supervision of inmates by correctional officers of same sex; proposing coding for new law in Minnesota Statutes, chapter 243.

The bill was read for the first time and referred to the Committee on Crime and Family Law.

Sparby, Lieder and Tunheim introduced:

H. F. No. 1384, A bill for an act relating to natural resources; appropriating money to relocate agricultural dikes along the Red River; amending Laws 1981, chapter 361, section 3, subdivision 3.

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

Boo, Thiede and Welle introduced :

H. F. No. 1385, A bill for an act relating to health ; authorizing the committees on health and human services to develop a policy and action plan concerning state hospitals.

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

Boo; Carlson, L.; Dyke; Carlson, J., and Hartinger introduced :

H. F. No. 1386, A bill for an act relating to post-secondary education; changing the task force on average cost funding; changing the requirements for post-secondary education system plans; amending Minnesota Statutes 1984, sections 135A.05; and 135A.06, subdivision 3, and by adding a subdivision.

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

Murphy introduced :

H. F. No. 1387, A bill for an act relating to retirement; public employees generally; allowing deferred members to retire at the age applicable to current members; amending Minnesota Statutes 1984, sections 352.115, subdivision 1; and 353.30, subdivision 1c.

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

Richter and McDonald introduced :

H. F. No. 1388, A bill for an act relating to agriculture; requiring certain levels of solids-not-fat in fluid milk marketed in Minnesota; encouraging the promotion and increased use of "cream line" milk; amending Minnesota Statutes 1984, sections 17.54, by adding a subdivision; and 32.391, subdivision 1.

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

Johnson introduced :

H. F. No. 1389, A bill for an act relating to transportation; railroads; prescribing fees for commencement of various proceedings before the transportation regulation board; proposing coding for new law in Minnesota Statutes, chapter 219.

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

Scheid and Osthoff introduced:

H. F. No. 1390, A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 474.16, subdivisions 1, 4, and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, and 3; 474.18, subdivisions 1, 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; and 474.23.

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

Bishop and Levi introduced:

H. F. No. 1391, A bill for an act relating to economic security; defining temporary housing; deleting a sunset provision; requiring certain followup information on persons assisted; appropriating money; amending Minnesota Statutes 1984, section 268.38, subdivisions 1, 2, 6, 7, and 8.

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

Bishop, Kvam, Levi, Heap and Boo introduced:

H. F. No. 1392, A bill for an act relating to economic development; providing a state advocacy function for business license applicants; amending Minnesota Statutes 1984, section 116J.76.

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

Vellenga and O'Connor introduced:

H. F. No. 1393. A bill for an act relating to the Minneapolis/St. Paul housing finance board.

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



Kelly, Scheid, Price, Simoneau and Osthoff introduced:

H. F. No. 1394, A bill for an act relating to animals; authorizing a statewide program of spaying and neutering dogs and cats; creating a spaying and neutering fund; imposing a surcharge on certain pet food sold in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Kalis, Brinkman, Kvam, Tunheim and Brown introduced:

H. F. No. 1395, A bill for an act relating to taxation; income; exempting capital gains from farm foreclosure sales; amending Minnesota Statutes 1984, section 290.01, subdivision 20b.

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

Bishop, Frerichs and Gutknecht introduced:

H. F. No. 1396, A bill for an act relating to public lands; authorizing Olmsted county to acquire a road easement in certain state land.

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

Jaros, Greenfield, Pappas, Clark and Skoglund introduced:

H. F. No. 1397, A resolution memorializing the President and Congress of the United States to enact a program of national health insurance.

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

Segal, Greenfield, Wynia, Boo and Halberg introduced:

H. F. No. 1398, A bill for an act relating to human services; requiring county boards to provide services to mentally ill persons; specifying duties of the commissioner; authorizing rule-making; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 253C.

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

Segal; Clark; Nelson, K., and McEachern introduced:

H. F. No. 1399, A bill for an act relating to education; requiring licensed school nurses; regulating the administration of medication by school personnel; amending Minnesota Statutes 1984, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Olsen, S., by request, introduced:

H. F. No. 1400, A bill for an act relating to education; authorizing the conveyance of certain lands from the state to independent school district No. 270; providing for the release of certain conditions and reservations contained in prior deeds.

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

Uphus, Wenzel, Schoenfeld, Omann and McDonald introduced:

H. F. No. 1401, A bill for an act relating to agriculture; finding conditions exist that have caused a loss of agricultural credit; declaring an agricultural economic emergency exists; providing seed, fertilizer, herbicides, and fuel loans; making emergency loans to counties; guaranteeing loans; appropriating money; amending Minnesota Statutes 1984, sections 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

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

Schreiber; McDonald; Anderson, G., and Quist introduced:

H. F. No. 1402, A bill for an act relating to agricultural resource loan guaranty program; modifying the terms of the state's guaranty; permitting purchases of private guarantees; repealing the authority to issue state general obligation bonds; authorizing the issuance of revenue bonds; restricting the use of tax increments; appropriating money; amending Minnesota Statutes 1984, sections 41A.01; 41A.02, subdivisions 5, 7, 8, and by adding a subdivision; 41A.03, subdivisions 1, 3, and by adding a subdivision; 41A.04, subdivisions 1 and 3; 41A.05, subdivisions 1, 2, 3, and by adding a subdivision; and 41A.06, subdivisions

1 and 5; proposing coding for new law in Minnesota Statutes, chapter 41A; repealing Laws 1984, chapter 502, article 10, section 12.

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

Pappas, Rest and Lieder introduced:

H. F. No. 1403, A bill for an act relating to environment; requiring government action to determine and decrease the health risks attributable to exposure to or absorption of lead; providing for duties of the pollution control agency and the commissioner of health; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 116 and 144.

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

Rest introduced:

H. F. No. 1404, A bill for an act relating to retirement; teachers; participation in variable annuity division; amending Minnesota Statutes 1984, section 354.62, subdivision 2; repealing Minnesota Statutes 1984, section 354.621.

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

Halberg introduced:

H. F. No. 1405, A bill for an act relating to contempt of court; providing penalties for failure to file a complete income tax return pursuant to court order; proposing coding for new law in Minnesota Statutes, chapter 588.

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

Kahn, Greenfield, Piepho, Elioff and Wynia introduced:

H. F. No. 1406, A bill for an act relating to education; clarifying the term "Minnesota resident" for purposes of financial aid; amending Minnesota Statutes 1984, sections 136A.101, by adding a subdivision; 136A.15, subdivision 7; and 136A.233, subdivision 2.

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

Halberg, Seaberg and Rees introduced :

H. F. No. 1407, A bill for an act relating to traffic regulations ; prescribing state patrol vehicle markings and flashing light ; limiting trooper testimony ; amending Minnesota Statutes 1984, section 169.98, subdivision 2, and by adding a subdivision.

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

Jacobs and O'Connor introduced :

H. F. No. 1408, A bill for an act relating to utilities ; regulating certain intrastate gas pipelines ; amending Minnesota Statutes 1984, section 216B.02, subdivision 4.

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

Dempsey, Brinkman, Sherman, Rees and Scheid introduced :

H. F. No. 1409, A bill for an act relating to commerce ; requiring certain agreements to extend credit to be in writing ; proposing coding for new law in Minnesota Statutes, chapter 513.

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

Welle ; Nelson, K. ; Nelson, D. ; Knuth and Beard introduced :

H. F. No. 1410, A bill for an act relating to education ; providing a state aid incentive for class size reductions in kindergarten through grade 12 ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Boo ; Carlson, L., and Bishop introduced :

H. F. No. 1411, A bill for an act relating to education ; authorizing an income-contingent loan repayment program for medical, dental, pharmacy, and veterinary students ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Olson, E.; McDonald; Tunheim; Lieder and Brown introduced:

H. F. No. 1412, A bill for an act relating to education; authorizing forgiveness of certain portions of student loans for teachers of secondary mathematics and science in certain rural school districts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Munger; Carlson, D.; Boo; Frerichs and Redalen introduced:

H. F. No. 1413, A resolution memorializing the President and Congress of the United States and the Secretary of Transportation of the need for continued funding of Amtrak.

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

Boo; Carlson, L.; Dyke; Carlson, J., and Boerboom introduced:

H. F. No. 1414, A bill for an act relating to post-secondary education; limiting the use and removing the cap 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.

Rose introduced:

H. F. No. 1415, A bill for an act relating to game and fish; providing a split season opener for the walleyed pike season; amending Minnesota Statutes 1984, section 98.48, subdivision 23.

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

Elioff, Begich, Battaglia and Minne introduced:

H. F. No. 1416, A bill for an act relating to motor vehicles; abolishing certain fees related to special license plates issued to former prisoners of war; amending Minnesota Statutes 1984, section 168.125, subdivision 1.

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

Redalen introduced:

H. F. No. 1417, A bill for an act relating to the city of Harmony; allocating money from state-aid funds to replace bridge.

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

Onnen introduced:

H. F. No. 1418, A bill for an act relating to human services; authorizing the department to enter into shared service agreements; amending Minnesota Statutes 1984, section 246.57, subdivisions 1 and 2; repealing Minnesota Statutes 1984, section 246.57, subdivision 3.

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

Zaffke and Quist introduced:

H. F. No. 1419, A bill for an act relating to health; requiring the commission on long-term health care to review the state hospital study findings and make recommendations.

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

Sviggum, Solberg, Greenfield and Segal introduced:

H. F. No. 1420, A bill for an act relating to human services; establishing demonstration projects for services to the mentally ill and chemically dependent; appropriating money.

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

McKasy, Halberg, Quinn, McPherson and Bishop introduced:

H. F. No. 1421, A bill for an act relating to commerce; defining "trade secret"; amending Minnesota Statutes 1984, section 325C.01, subdivision 5.

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

Ozment, Clausnitzer, Riveness, Piper and Elioff introduced :

H. F. No. 1422, A bill for an act relating to corrections; allowing chiropractors to practice in institutions under the control of the commissioner of corrections; amending Minnesota Statutes 1984, section 241.021, subdivision 4.

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

Burger, Brandl, Frerichs, Omann and Erickson introduced :

H. F. No. 1423, A bill for an act relating to education; authorizing the higher education coordinating board to contract for a project; requiring reports; appropriating money.

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

Cohen introduced :

H. F. No. 1424, A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

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

Segal, Rest, Sparby and Pappas introduced :

H. F. No. 1425, A bill for an act relating to taxation; income; providing an exclusion for certain income for people age 65 and over; amending Minnesota Statutes 1984, sections 290.01, subdivision 20b; and 290.08, subdivision 26.

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

Uphus, Wenzel and Redalen introduced :

H. F. No. 1426, A bill for an act relating to agriculture; changing the agricultural land preservation pilot county program; amending Minnesota Statutes 1984, sections 40A.03, subdivisions 1 and 2; 40A.15, subdivisions 2 and 4.

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

Carlson, D.; Boo; Knickerbocker; Battaglia and Neuen-schwander introduced:

H. F. No. 1427, A bill for an act relating to the economic crisis in northeastern Minnesota; creating the Northeastern Minnesota Economic Development Corporation to promote economic development in northeastern Minnesota and to provide incentives for industrial and manufacturing enterprises to locate in northeastern Minnesota; providing for a board of directors and an advisory committee; establishing a northeastern Minnesota economic recovery fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 116N.

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

Schreiber, Scheid, Knickerbocker, Pauly and Nelson, D., introduced:

H. F. No. 1428, A bill for an act relating to Hennepin county; providing for the election of the park reserve district board; amending Laws 1979, chapter 288, section 2, subdivision 1; repealing Laws 1979, chapter 288, section 2, subdivisions 2, 3, and 4; and section 3.

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

Segal, Staten, Rest and Clark introduced:

H. F. No. 1429, A bill for an act relating to child abuse; authorizing the commissioner of human services to order the suspension of facility employees accused of child abuse, pending investigation or prosecution; amending Minnesota Statutes 1984, section 626.556, subdivision 10b.

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

Battaglia; Carlson, L.; Carlson, D.; Kahn and Nelson, D., introduced:

H. F. No. 1430, A bill for an act relating to the environment; appropriating money to the commissioner of natural resources for payment to Lake county for improvements to the environmental learning center at Isabella, Minnesota.

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



Bishop, Seaberg and Pappas introduced:

H. F. No. 1431, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 65B.44, subdivision 6; 181.13; 268.06, subdivision 5; 429.061, subdivision 1; 471.705, subdivision 2; 609.11, subdivision 8; and 631.09; repealing Minnesota Statutes 1984, section 422A.156.

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

Richter introduced:

H. F. No. 1432, A bill for an act relating to liquor; authorizing the city of Sebeka to issue a temporary on-sale license.

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

Boo, Munger and Jaros introduced:

H. F. No. 1433, A bill for an act relating to retirement; Duluth firefighters relief association; consolidation into the public employees police and fire fund; terminating the special fund of the Duluth firefighters relief association; transferring of assets and records; repealing Laws 1955, chapter 188; Laws 1961, chapter 186; Laws 1963, chapter 208; Laws 1965, chapter 179; Laws 1975, chapter 127; Laws 1976, chapter 78, section 4; and Laws 1977, chapter 164, section 3.

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

Begich, Elioff, Solberg, Battaglia and Minne introduced:

H. F. No. 1434, A bill for an act relating to utilities; establishing a study of the effects of deregulation of certain gas and electric utility functions; appropriating money.

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

Quist introduced:

H. F. No. 1435, A bill for an act relating to local government; providing for the maintenance of town cartways; amending Minnesota Statutes 1984, section 164.08, by adding a subdivision.

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

Onnen, Segal, Greenfield, Kvam and Stanius introduced:

H. F. No. 1436, A bill for an act relating to occupations and professions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.02, subdivision 1; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; and 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

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

Burger introduced:

H. F. No. 1437, A bill for an act relating to human services; refining the vulnerable adults reporting act; clarifying definitions and records provisions; amending Minnesota Statutes 1984, section 626.557, subdivisions 2, 5, 8, 9, 10, 11, 12, 15, 17, and 19, and by adding a subdivision.

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

Onnen; Quist; Sviggum; Carlson, J., and Stanius introduced:

H. F. No. 1438, A bill for an act relating to health and human services; providing for maternal and child health grant distribution; requiring parent contribution; providing day care program rates; abolishing state share of Title IV-E foster care payments; creating permanency planning grants to counties; providing services for the elderly; creating a consolidated chemical dependency services fund; clarifying case management services

for the mentally retarded; changing the health maintenance organization provisions; requiring a health care market report; expanding duties of the interagency board for quality assurance; creating a legislative commission on quality assurance and cost containment; requiring a study of home health care, services for mentally retarded persons, and services for mentally ill persons; requiring a study of guardianship; requiring a home equity conversion study; establishing prepaid health plans; changing nursing home reimbursement provisions; expanding medical assistance for young mothers; increasing incentives for enforcing child support payments; placing certain limitations on aid to families with dependent children and general assistance; appropriating money; amending Minnesota Statutes 1984, sections 62D.03; 62D.04; 62D.05, subdivision 2, and by adding a subdivision; 62D.07, subdivision 3; 62D.08; 62D.10, by adding subdivisions; 62D.12, subdivision 1; 62D.14; 62D.16; 62D.17; 62D.20; 62D.21; 144.695; 144.70; 145.882; 145.884; 145.885; 145.886; 245.84; 246.04; 246.18; 246.23; 246.50, by adding a subdivision; 246.51, subdivision 1; 246.54; 256.045, subdivision 3, and by adding a subdivision; 256.74, subdivision 5, and by adding subdivisions; 256.79; 256.82, subdivision 2; 256.87, subdivisions 1, 1a, and 3; 256.967; 256.969, subdivisions 1, 2, and by adding a subdivision; 256.99; 256B.02, subdivisions 2, 3, 8, and by adding a subdivision; 256B.042, by adding a subdivision; 256B.06, subdivision 1; 256B.062; 256B.091, subdivision 8; 256B.092, subdivisions 5, 7, and by adding subdivisions; 256B.17, subdivision 6; 256B.19, subdivision 1; 256B.431, subdivisions 2b, 3, and 4; 256B.50; 256B.70; 256D.03, subdivisions 4 and 6; 256D.06, by adding subdivisions; 256D.37, subdivisions 1 and 2; 257.58, subdivision 1; 260.38; 393.07, by adding a subdivision; 518.551, subdivision 7; 518.611, subdivisions 2, 3, 4, 6, and by adding subdivisions; 518.645; proposing coding for new law in Minnesota Statutes, chapters 62D; 246; 254B; 256; 256B; and 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 257.62, subdivision 4; and 259.405.

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

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 63, 342 and 472.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 63, A bill for an act relating to the city of Fergus Falls located in Otter Tail county and the city of Detroit Lakes located in Becker county; granting the cities the powers of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority; permitting the cities to choose the name of the port authority; requiring local approval.

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

S. F. No. 342, A bill for an act relating to occupations and professions; requiring that plumbing inspectors hold a license as master or journeyman plumbers or be a state certified plumbing inspector; establishing a certification procedure; amending Minnesota Statutes 1984, section 326.37.

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

S. F. No. 472, A bill for an act relating to taxation; discontinuing enforcement of the unfair cigarette sales act; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; amending Minnesota Statutes 1984, sections 270.06; 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.01, subdivision 1; 298.02, subdivision 1; 298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; proposing coding for new law in Minne-

sota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

The bill was read for the first time.

Dempsey moved that S. F. No. 472 and H. F. No. 556, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## CONSENT CALENDAR

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. 58, A bill for an act relating to the town of Moorhead; allowing the town certain powers.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 315 was reported to the House.

Ogren moved to amend H. F. No. 315, as follows:

Page 1, after line 25, insert:

"Sec. 2. [BONDS AUTHORIZED; TAX LEVY.]

*Subdivision 1. The city council of the city of Carlton in Carlton county may by resolution authorize, sell, and issue general obligation bonds of the city in an amount not exceeding \$555,000 to finance the acquisition and betterment of a new fire hall. The bonds shall be authorized, sold, and issued in accordance with Minnesota Statutes, chapter 475, except that no election shall be required to authorize their issuance except as provided in sub-*

*division 2, and the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53.*

*Subd. 2. Before the issuance of the bonds, the council shall publish in the official newspaper of the city a resolution authorizing their issuance, and if within ten days after the publication a petition is filed with the city clerk requesting an election on the proposition of issuing the bonds signed by a number of qualified voters equal to ten percent of the number voting at the last general election in the city, the bonds shall not be issued until the proposition has been approved by a majority of the votes cast on it at a regular or special election.*

*Subd. 3. Before the issuance of the bonds, the council shall levy ad valorem taxes for their payment in accordance with Minnesota Statutes, section 475.61. The taxes shall not be subject to any limitation as to rate or amount, and shall not be taken into account in determining the amount of any other taxes the city is authorized to levy.*

*Subd. 4. Carlton county, any town and any city, no matter how organized, within the county may enter into binding contracts with the city of Carlton: (a) to secure from the city of Carlton fire protection service for all or part of the area within their boundaries, and (b) to provide for the payment by the county or contracting town or city to the city of Carlton, specified amounts of the principal of and interest on bonds or other obligations issued by the city of Carlton to finance the cost of fire fighting facilities or equipment, on the terms and conditions and for the period their governing bodies shall determine. They may levy ad valorem taxes for the purpose on all taxable property within their boundaries or the area to be served. The taxes shall not be taken into account in determining the amount of any other taxes the county or any town or city within the county may levy, and taxes levied to provide money to pay a portion of the debt service on bonds or other obligations of the city of Carlton shall not be subject to limitation as to rate or amount. The contracts shall not constitute net debt of the county or the contracting town or city within the meaning of Minnesota Statutes, chapter 475.*

*Subd. 5. Pursuant to Minnesota Statutes, section 645.023, this section is effective the day after final enactment, without the approval of any local government unit."*

Amend the title as follows:

Page 1, line 5, after "districts;" insert "authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units;"

The motion prevailed and the amendment was adopted.

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; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 626 was reported to the House.

Upon objection of ten members, H. F. No. 626 was stricken from the Consent Calendar and returned to General Orders.

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.



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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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.	Brandl	Dyke	Hartinger	Kiffmeyer
Anderson, R.	Brinkman	Elioff	Haukoos	Knickerbocker
Backlund	Brown	Ellingson	Heap	Knuth
Battaglia	Carlson, D.	Erickson	Himle	Kostohryz
Beard	Carlson, J.	Forsythe	Jacobs	Krueger
Becklin	Carlson, L.	Frederickson	Jaros	Kvam
Begich	Clark	Frerichs	Jennings, L.	Levi
Bennett	Clausnitzer	Greenfield	Johnson	Lieder
Blatz	Cohen	Gruenes	Kahn	Long
Boerboom	DenOuden	Gutknecht	Kalis	Marsh
Boo	Dimler	Halberg	Kelly	McDonald

McEachern	Ogren	Price	Schreiber	Tomlinson
McKasy	Olsen, S.	Quinn	Seaberg	Tompkins
McLaughlin	Olson, E.	Quist	Segal	Tunheim
McPherson	Omann	Redalen	Sherman	Uphus
Metzen	Onnen	Rees	Simoneau	Valan
Miller	Osthoff	Rest	Skoglund	Valento
Minne	Otis	Richter	Solberg	Vanasek
Munger	Ozment	Riveness	Sparby	Vellenga
Murphy	Pappas	Rodosovich	Stanius	Voss
Nelson, D.	Pauly	Rose	Staten	Waltman
Nelson, K.	Peterson	Sarna	Sviggum	Welle
Neuenschwander	Piepho	Schafer	Thiede	Wenzel
Norton	Piper	Scheid	Thorson	Zaffke
O'Connor	Poppenhagen	Schoenfeld	Tjornhom	Spk. Jennings, D.

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 953, A bill for an act relating to the city of Hermantown; permitting the city to fix the size of its public utilities commission.

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

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

Those who voted in the affirmative were:

Anderson, G.	Becklin	Boerboom	Carlson, D.	Cohen
Anderson, R.	Begich	Brandl	Carlson, J.	Dempsey
Backlund	Bennett	Brinkman	Carlson, L.	DenOuden
Battaglia	Bishop	Brown	Clark	Dimler
Beard	Blatz	Burger	Clausnitzer	Dyke

Elioff	Kelly	Neuenschwander	Rees	Thiede
Ellingson	Kiffmeyer	Norton	Rest	Thorson
Erickson	Knickerbocker	O'Connor	Richter	Tjornhom
Forsythe	Knuth	Ogren	Riveness	Tomlinson
Frederick	Kostohryz	Olsen, S.	Rodosovich	Tompkins
Frederickson	Krueger	Olson, E.	Rose	Tunheim
Frerichs	Kvam	Omann	Sarna	Uphus
Greenfield	Levi	Onnen	Schafer	Valan
Gruenes	Lieder	Osthoff	Scheid	Valento
Gutknecht	Long	Otis	Schoenfeld	Vanasek
Halberg	Marsh	Ozment	Schreiber	Vellenga
Hartinger	McDonald	Pappas	Seaberg	Voss
Haukoos	McEachern	Pauly	Segal	Waltman
Heap	McLaughlin	Peterson	Sherman	Welle
Himle	Metzen	Piepho	Simoneau	Wenzel
Jacobs	Miller	Piper	Skoglund	Zaffke
Jaros	Minne	Poppenhagen	Solberg	Spk. Jennings, D.
Jennings, L.	Munger	Price	Sparby	
Johnson	Murphy	Quinn	Stanis	
Kahn	Nelson, D.	Quist	Staten	
Kalis	Nelson, K.	Redalen	Sviggum	

The bill was passed and its title agreed to.

H. F. No. 991 was reported to the House.

Valento moved that H. F. No. 991 be continued on the Consent Calendar for one day. The motion prevailed.

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.

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.	Carlson, L.	Gutknecht	Kvam	Ogren
Anderson, R.	Clark	Halberg	Levi	Olsen, S.
Backlund	Clausnitzer	Hartinger	Lieder	Olson, E.
Battaglia	Cohen	Haukoos	Long	Omann
Beard	Dempsey	Heap	Marsh	Onnen
Becklin	DenOuden	Himle	McDonald	Osthoff
Begich	Dimler	Jacobs	McEachern	Otis
Bennett	Dyke	Jaros	McLaughlin	Ozment
Bishop	Elioff	Jennings, L.	McPherson	Pappas
Blatz	Ellingson	Johnson	Metzen	Pauly
Boerboom	Erickson	Kahn	Miller	Peterson
Boo	Fjoslien	Kalis	Minne	Piepho
Brandl	Forsythe	Kelly	Munger	Piper
Brinkman	Frederick	Kiffmeyer	Murphy	Poppenhagen
Brown	Frederickson	Knickerbocker	Nelson, D.	Price
Burger	Frerichs	Knuth	Neuenschwander	Quinn
Carlson, D.	Greenfield	Kostohryz	Norton	Quist
Carlson, J.	Gruenes	Krueger	O'Connor	Redalen

Rees	Scheid	Skoglund	Tjornhom	Vellenga
Rest	Schoenfeld	Solberg	Tomlinson	Voss
Richter	Schreiber	Sparby	Tompkins	Waltman
Riveness	Seaberg	Stanius	Tunheim	Welle
Rodosovich	Segal	Staten	Uphus	Wenzel
Rose	Shaver	Sviggum	Valan	Zaffke
Sarna	Sherman	Thiede	Valento	Spk. Jennings, D.
Schafer	Simoneau	Thorson	Vanasek	

The bill was passed and its title agreed to.

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.

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

The bill was passed and its title agreed to.

H. F. No. 1216 was reported to the House.

Redalen moved to amend H. F. No. 1216, as follows:

Page 1, line 12, after "lender." insert " "*Lender*" also means the Federal Deposit Insurance Corporation."

The motion prevailed and the amendment was adopted.

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.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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.

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

The bill was passed and its title agreed to.

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

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 1055, A bill for an act relating to charitable gambling; providing for local licensing and statewide regulation; authorizing the department of revenue to collect the tax imposed; amending Minnesota Statutes 1984, sections 340.14, subdivision 2; 349.12, subdivisions 11 and 16; 349.14; 349.16; 349.17; 349.18, subdivisions 1 and 2; 349.19; 349.20; 349.21; 349.211, subdivision 3; 349.212, as amended; 349.213, subdivision 1; 349.214, subdivision 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.151; 349.161; 349.162; and 349.213, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE I

Section 1. Minnesota Statutes 1984, section 340.14, subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms (WHEN SUCH) *if the activities are licensed by the (CHARITABLE GAMBLING CONTROL BOARD) local unit of government under sections 349.11 to 349.213 and if the licensee is also the holder of the license to conduct lawful gambling. Raffles may also be conducted in a licensed on-sale establishment or establishment holding a permit under section 340.119 if authorized under chapter 349 and conducted in connection with a banquet or comparable event held in the establishment.* No person under 18 years of age shall be employed in any rooms constituting the place in which defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale." Persons under 18 years of age may be employed as waiters or waitresses in places defined as a restaurant, hotel or motel to serve food in rooms in which only wine is sold on-sale, provided they shall not be permitted to serve or sell wine.

Sec. 2. Minnesota Statutes 1984, section 349.12, subdivision 11, is amended to read:

Subd. 11. "Lawful purpose" means one or more of the following: (a) benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded; (b) initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures; (c) lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or (d) the improving, expanding, maintaining or repairing real property owned or leased by an organization.

"Lawful purpose" does not include the erection or acquisition of any real property, unless the (BOARD) *local unit of govern-*



ment specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

Sec. 3. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

*Subd. 18. "Commissioner" is the commissioner of revenue.*

Sec. 4. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

*Subd. 19. "Local unit of government" means a county or home rule or statutory city.*

Sec. 5. Minnesota Statutes 1984, section 349.14, is amended to read:

**349.14 [ORGANIZATION MAY CONDUCT LAWFUL GAMBLING; LICENSE.]**

An organization may conduct lawful gambling if it has been in existence for at least three years, has at least 15 active members, has a license to conduct lawful gambling from the (BOARD) *local unit of government* and complies with this chapter.

Sec. 6. Minnesota Statutes 1984, section 349.151, is amended to read:

**349.151 [(CHARITABLE) LAWFUL GAMBLING CONTROL BOARD.]**

Subdivision 1. [BOARD CREATED.] The (CHARITABLE) *lawful* gambling control board is created with the powers and duties established by subdivision 4.

Subd. 2. [MEMBERSHIP.] The board consists of (13) *six* members appointed as follows:

(1) (ELEVEN) *four* persons appointed by the governor, at least (FOUR) *two* of whom must reside outside of the seven-county metropolitan area;

(2) the commissioner of public safety or his designee; and

(3) the attorney general or his designee.

A member serving on the board by appointment must have been a resident of Minnesota for at least five years. Of the appointees of the governor not more than (SIX) *two* may belong to

the same political party. A member appointed to the board may be removed at any time by the appointing authority. Vacancies on the board are filled in the same manner as the original appointment. Of the members appointed by the governor, three are for terms expiring June 30, 1985, four are for terms expiring June 30, 1986, and four are for terms expiring June 30, 1987. After the expiration of the initial terms, appointments are for three years. The governor shall appoint the chairperson from among his appointees.

*Subd. 2a. [EXPIRATION.] Notwithstanding subdivision 2, the terms of those members of the board serving on the effective date of this act whose terms are scheduled to expire on June 30, 1985 and June 30, 1986 expire on June 1, 1985.*

**Subd. 3. [COMPENSATION.]** The compensation of board members is \$35 per day spent on commission activities, when authorized by the board, plus expenses in the same manner and amount as provided in the commissioner's plan adopted according to section 43A.18, subdivision 2.

**Subd. 4. [POWERS AND DUTIES.]** The board has the following powers and duties:

(1) to (ISSUE, REVOKE, AND) suspend licenses (TO) of organizations (AND SUPPLIERS) under (SECTIONS 349.16 AND 349.161) *subdivision 5*;

(2) (TO COLLECT AND DEPOSIT LICENSE FEES AND TAXES DUE UNDER THIS CHAPTER;)

((3)) to receive reports required by this chapter (AND INSPECT THE RECORDS, BOOKS, AND OTHER DOCUMENTS OF ORGANIZATIONS AND SUPPLIERS TO INSURE COMPLIANCE WITH ALL APPLICABLE LAWS AND RULES);

((4)) (3) to make rules, including emergency rules, required by (THIS CHAPTER) *subdivision 6*;

((5) TO REGISTER GAMBLING EQUIPMENT AND ISSUE REGISTRATION STAMPS UNDER SECTION 349.162;)

((6)) (4) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling; (AND)

(5) to advise local units of government, organizations, and distributors concerning the laws and rules governing lawful gambling;

(6) to inspect lawful gambling operations at the request of local units of government or organizations and give advice or comments on the integrity of the operations; and

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing (CHARITABLE) lawful gambling.

*Subd. 5. [LICENSE SUSPENSION.] The board may recommend to the licensing local unit of government the suspension for not more than 30 days of the license of an organization licensed under section 349.16 if the board finds that the organization has willfully violated any provision of sections 349.11 to 349.213 or any rule of the board. If the local unit of government to which the recommendation is made does not act to suspend or revoke the license for any length of time within 60 days of receipt of the recommendation the board may suspend or revoke the license. A license suspension or revocation by the board is a contested case under section 14.57 to 14.69 of the administrative procedure act.*

*Subd. 6. [RULES.] The board has the power to make rules to govern:*

*(1) reports to be made under section 349.19; and*

*(2) the conduct of lawful gambling to ensure compliance with section 349.11 to 349.214.*

*The board may not make any rule governing an area the regulation of which is reserved to local government under section 349.11 to 349.214. Any rule of the board in effect on June 1, 1985 which is not authorized by sections 349.11 to 349.214 is of no force and effect.*

*Subd. 7. [INVESTIGATION.] The board may request the bureau of criminal apprehension to investigate any suspected violation of sections 349.11 to 349.214 or board rule.*

*Subd. (5) 8. [EMPLOYEES.] The board shall employ an executive secretary in the unclassified service and such other employees in the classified service as are required to enable it to carry out its functions. (ONE OR MORE OF THE EMPLOYEES MUST BE BINGO INSPECTORS.)*

*Subd. (6) 9. [ATTORNEY GENERAL.] The attorney general is the attorney for the board.*

*Sec. 7. Minnesota Statutes 1984, section 349.16, is amended to read:*

**349.16 [ORGANIZATION LICENSES.]**

Subdivision 1. [ISSUANCE OF GAMBLING LICENSES.] Licenses authorizing organizations to conduct lawful gambling may be issued by the (BOARD) *local unit of government* to organizations meeting the qualifications of section 349.14, if the (BOARD) *local unit of government* determines that the license is consistent with the purpose of sections 349.11 to 349.22. Licenses issued under this section are valid for one year and may be suspended by the (BOARD) *local unit of government* for a violation of law (OR), board rule or ordinance or revoked for what the (BOARD) *local unit of government* determines to be a pattern of willful violations of law (OR BOARD RULE. A REVOCATION OR SUSPENSION IS A CONTESTED CASE UNDER SECTIONS 14.57 TO 14.69 OF THE ADMINISTRATIVE PROCEDURE ACT). A license may also be suspended under section 349.151, subdivision 5.

Subd. 2. [APPLICATION.] All applications for a license under this section must be on a form prescribed by the (BOARD) *local unit of government*. The (BOARD) *local unit of government* may require the applying organization to submit a copy of its articles of incorporation and other documents it deems necessary.

Subd. 3. [FEES.] The (BOARD) *local unit of government* shall by (RULE) ordinance establish a schedule of fees for licenses under this section. (THE SCHEDULE MUST ESTABLISH THREE CLASSES OF LICENSE, AUTHORIZING ALL FORMS OF LAWFUL GAMBLING, ALL FORMS EXCEPT BINGO AND BINGO ONLY.)

Sec. 8. Minnesota Statutes 1984, section 349.161, is amended to read:

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for bingo exempt from licensing under section 340.19, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section; or

(3) sell, offer for sale, or furnish gambling equipment for use within the state without first obtaining the licensed organization's tax identification number as provided in section 297C.03.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Subd. 2. [LICENSE APPLICATION.] The (BOARD MAY) *commissioner shall* issue licenses for the sale of gambling equipment *within the state* to persons who meet the qualifications of this section (IF THE BOARD DETERMINES THAT A LICENSE IS CONSISTENT WITH THE PURPOSE OF SECTIONS 349.11 TO 349.22). Applications must be on a form the (BOARD) *commissioner* prescribes.

Subd. 3. [QUALIFICATIONS.] A license may not be issued under this section to a person, or to a corporation, firm, or partnership which has as an officer, director, or other person in a supervisory or management position a person, who:

(1) has been convicted of a felony in a state or federal court within the past five years or who has a felony charge pending;

(2) has ever been convicted in a state or federal court of a gambling-related offense; or

(3) is or has ever been engaged in an illegal business.

Subd. 4. [FEES.] The annual fee for a suppliers license is \$1,500.

Subd. 5. [PROHIBITION.] No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

Subd. 6. [REVOCATION AND SUSPENSION.] A license under this section may be suspended by the (BOARD) *commissioner* for a violation of law or (BOARD) *commissioner's* rule or for failure to meet the qualifications in subdivision 3 at any time or revoked for what the (BOARD) *commissioner* determines to be a pattern of willful violations of law or (BOARD) rule. A revocation or suspension is a contested case under sections 14.57 to 14.69 of the Administrative Procedure Act.

Subd. 7. [CRIMINAL HISTORY.] The (BOARD) *commissioner* may request the assistance of the bureau of criminal apprehension in investigating the background of an applicant for a supplier's license and may reimburse the bureau for the costs thereof. The (BOARD) *commissioner* has access to all criminal history data compiled by the bureau on licensees and applicants.

Subd. 8. [RULES.] *The commissioner may make rules, including emergency rules, for the administration and enforcement of this section and section 349.162.*

Sec. 9. Minnesota Statutes 1984, section 349.162, is amended to read:

349.162 [EQUIPMENT REGISTERED.]

(SUBDIVISION 1. [STAMP REQUIRED.] A DISTRIBUTOR MAY NOT SELL TO AN ORGANIZATION AND AN ORGANIZATION MAY NOT PURCHASE FROM A DISTRIBUTOR GAMBLING EQUIPMENT UNLESS THE EQUIPMENT HAS BEEN REGISTERED WITH THE BOARD AND HAS A REGISTRATION STAMP AFFIXED. THE BOARD MAY CHARGE A FEE OF UP TO 25 CENTS FOR EACH STAMP. EACH STAMP MUST BEAR A REGISTRATION NUMBER ASSIGNED BY THE BOARD.)

(SUBD. 2. [RECORDS REQUIRED.] A DISTRIBUTOR MUST MAINTAIN A RECORD OF ALL GAMBLING EQUIPMENT WHICH IT SELLS TO ORGANIZATIONS. THE RECORD MUST INCLUDE:)

((1) THE IDENTITY OF THE PERSON OR FIRM FROM WHOM THE EQUIPMENT WAS PURCHASED;)

((2) THE REGISTRATION NUMBER OF THE EQUIPMENT;)

((3) THE NAME AND ADDRESS OF THE ORGANIZATION TO WHICH THE SALE WAS MADE; AND)

((4) THE DATE OF THE SALE.)

(THE RECORD FOR EACH SALE MUST BE RETAINED FOR AT LEAST THREE YEARS AFTER THE SALE IS COMPLETED. FOR PURPOSES OF THIS SECTION, A SALE IS COMPLETED WHEN THE GAMBLING EQUIPMENT IS PHYSICALLY DELIVERED TO THE PURCHASER.)

(EACH DISTRIBUTOR MUST REPORT MONTHLY TO THE BOARD, ON A FORM THE BOARD PRESCRIBES, ITS SALES OF EACH TYPE OF GAMBLING EQUIPMENT. EMPLOYEES OF THE BOARD MAY INSPECT THE BOOKS, RECORDS, AND OTHER DOCUMENTS OF A DISTRIBUTOR AT ANY REASONABLE TIME WITHOUT NOTICE AND WITHOUT A SEARCH WARRANT.)

(SUBD. 3. [SALES FROM FACILITIES.] ALL GAMBLING EQUIPMENT PURCHASED BY A LICENSED DISTRIBUTOR FOR RESALE IN MINNESOTA MUST PRIOR TO ITS RESALE BE UNLOADED INTO A FACILITY LOCATED IN MINNESOTA WHICH THE DISTRIBUTOR OWNS OR LEASES.)

Sec. 10. Minnesota Statutes 1984, section 349.17, is amended to read:

349.17 [CONDUCT OF BINGO.]

Subdivision 1. [BINGO OCCASIONS.] Not more than 104 bingo occasions each year or two bingo occasions each week may be conducted by an organization, except as provided in this subdivision. A bingo occasion may not continue for more than four consecutive hours.

The (BOARD) *local unit of government* may permit an organization to conduct more than two bingo occasions in a week and more than 104 bingo occasions in a year if the (BOARD) *local unit of government* determines that the additional occasions are consistent with the purpose of sections 349.11 to 349.22 and (IF THE FOLLOWING PROCEDURES ARE FOLLOWED:)

((1)) the organization applies for the additional occasions, stating the number of additional occasions (APPLIED FOR;)

((2)) THE BOARD NOTIFIES THE GOVERNING BODY OF THE COUNTY OR HOME RULE OR STATUTORY CITY IN WHICH THE APPLICANT IS LOCATED; AND)

((3)) THE GOVERNING BODY FAILS TO ADOPT A RESOLUTION DISAPPROVING THE ADDITIONAL OCCASIONS WITHIN 30 DAYS OF THE NOTIFICATION) *for which it is applying.*

Subd. 2. [BINGO ON LEASED PREMISES.] A person or corporation, other than an organization, which leases any premises that it owns to two or more organizations for purposes including the conduct of bingo occasions, may not allow more than four bingo occasions to be conducted on the premises in any week. The (BOARD) *local unit of government* may waive this restriction and permit a person or corporation to allow a specified number of bingo occasions on the premises in excess of four per week if it finds that the waiver is consistent with the purpose of sections 349.11 to 349.22 and (IF THE FOLLOWING PROCEDURES ARE FOLLOWED:)

((1)) the person or corporation applies for the waiver, stating the number of additional occasions sought per week (;)

((2)) THE BOARD NOTIFIES THE GOVERNING BODY OF THE COUNTY OR HOME RULE OR STATUTORY CITY IN WHICH THE PREMISES ARE LOCATED; AND)

((3)) THE GOVERNING BODY FAILS TO ADOPT A RESOLUTION DISAPPROVING THE WAIVER WITHIN 30 DAYS OF THE NOTIFICATION).

Subd. 3. Each bingo winner must be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted.

Subd. 4. [CHECKERS.] One or more checkers must be engaged for each bingo occasion. The checker or checkers must record, on a form the (BOARD) *local unit of government* provides, the number of cards played in each game and the prizes awarded to recorded cards. The form must provide for the inclusion of the registration number of each card and must include a checker's certification that the figures recorded are correct to the best of the checker's knowledge.

Sec. 11. Minnesota Statutes 1984, section 349.18, subdivision 1, is amended to read:

Subdivision 1. [LEASE OR OWNERSHIP REQUIRED.] An organization may conduct lawful gambling only on premises it owns or leases. Leases must be for a period of at least one year and must be in writing. Copies of all leases must be made available to employees of the (BOARD) *local unit of government* on request. A lease may not provide for rental payments based on a percentage of receipts or profits from lawful gambling.

Sec. 12. Minnesota Statutes 1984, section 349.18, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) A licensed organization may conduct raffles on a premise it does not own or lease.

(b) A licensed organization may with the permission of the (BOARD) *local unit of government*, conduct bingo on premises it does not own or lease for up to six days in a calendar year, in connection with a county fair or civil celebration.

Sec. 13. Minnesota Statutes 1984, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the board and to its membership (MONTHLY) *periodically, as the board by rule requires*, on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. In addition, a licensed organization must report to the board (MONTHLY) *periodically, as the board by rule requires*, on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. The reports must be on a form the board prescribes.

Sec. 14. Minnesota Statutes 1984, section 349.19, subdivision 6, is amended to read:

Subd. 6. [PRESERVATION OF RECORDS.] Records required to be kept by this section must be preserved for at least



three years (AND MAY BE INSPECTED BY EMPLOYEES OF THE BOARD AT ANY REASONABLE TIME WITHOUT NOTICE OR A SEARCH WARRANT).

Sec. 15. Minnesota Statutes 1984, section 349.19, is amended by adding a subdivision to read:

*Subd. 8. [COPIES.] A local unit of government may by ordinance require each organization it licenses under section 349.16 to provide it with a copy of each report the organization is required to send to the board.*

Sec. 16. Minnesota Statutes 1984, section 349.20, is amended to read:

#### 349.20 [MANAGERS.]

All lawful gambling conducted by a licensed organization must be under the supervision of one or more gambling managers. A gambling manager designated by an organization to supervise a gambling occasion is responsible for the gross receipts from the occasion and for its conduct in compliance with all laws and rules. An organization may designate a different person to act as manager for each type of lawful gambling conducted. *A local unit of government may require that each person designated as a gambling manager (MUST) give a fidelity bond in the sum of not less than \$10,000 in favor of the organization conditioned on the faithful performance of the manager's duties, and the terms of the bond must provide that notice be given to the (BOARD) local unit of government in writing not less than 30 days before its cancellation. A local unit of government requiring a bond shall prescribe the amount of the bond, and may prescribe a schedule of bond amounts which vary with the size of the organization or its gross receipts from lawful gambling.*

Sec. 17. Minnesota Statutes 1984, section 349.21, is amended to read:

#### 349.21 [COMPENSATION.]

Compensation to persons who participate in the conduct of lawful gambling may be paid only to active members of the conducting organization or its auxiliary, or the spouse or surviving spouse of an active member, except that nonmanagement assistants who are not active members or spouses may be hired to assist in the conduct of lawful gambling in nonmanagement positions if approved by a majority of the organization's members.

The amounts of compensation which may be paid under this section (MUST BE PROVIDED FOR IN A SCHEDULE OF COMPENSATION ADOPTED BY THE BOARD BY RULE. IN

ADOPTING THE SCHEDULE THE BOARD MUST CONSIDER THE NATURE OF THE PARTICIPATION AND THE TYPES OF LAWFUL GAMBLING PARTICIPATED IN.) *may not exceed the following limits:*

*Bingo* \$20 per bingo occasion

*Other forms of lawful gambling* \$25 per occasion

A licensed organization may pay a percentage of the gross receipts from raffle ticket sales to a nonprofit organization which sells tickets for the licensed organization.

Sec. 18. Minnesota Statutes 1984, section 349.211, subdivision 3, is amended to read:

Subd. 3. [OTHER GAMBLING.] (THE BOARD BY RULE SHALL ESTABLISH A SCHEDULE OF PRIZE LIMITS FOR ALL OTHER FORMS OF GAMBLING CONSISTENT WITH THE PURPOSES SET OUT IN SECTION 349.11. THE SCHEDULE MAY INCLUDE DAILY AND ANNUAL PRIZE LIMITS AND PRIZE LIMITS FOR EACH GAME, RAFFLE OR OPERATION OF A GAMBLING DEVICE) *The highest prize for a single pull-tab, a single tipboard or a single spin of a paddlewheel may not exceed \$500. An organization may not award more than \$50,000 in raffle prizes in a calendar year.*

Sec. 19. Minnesota Statutes 1984, section 349.211, subdivision 4, is amended to read:

Subd. 4. [PRIZE VALUE.] Merchandise prizes must be valued at their fair market value *or suggested retail price, whichever is greater.* For purposes of sections 349.11 to 349.22 "prizes" do not include free plays awarded.

Sec. 20. Minnesota Statutes 1984, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] A (STATUTORY OR HOME RULE CITY OR COUNTY) *local unit of government* has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction *than provided in law or the board's rules*, including the prohibition of any form of lawful gambling (, AND MAY REQUIRE A PERMIT FOR THE CONDUCT OF GAMBLING EXEMPT FROM LICENSING UNDER SECTION 349.214. THE AUTHORITY GRANTED BY THIS SUBDIVISION DOES NOT INCLUDE THE AUTHORITY TO REQUIRE A LICENSE OR PERMIT TO CONDUCT GAMBLING BY ORGANIZATIONS LICENSED BY THE BOARD).

Sec. 21. Minnesota Statutes 1984, section 349.214, subdivision 1, is amended to read:

Subdivision 1. [BINGO.] Bingo may be conducted without a license and without complying with sections 349.17, subdivision 1, and 349.18 if it is conducted:

(1) in connection with a county fair, the state fair, or a civic celebration if it is not conducted for more than 12 consecutive days in a calendar year; or

(2) by an organization which conducts four or fewer bingo occasions in a calendar year.

*Bingo may be conducted by an organization without a license and without complying with sections 349.11 to 349.213 if the value of all bingo prizes awarded by the organization in a calendar year does not exceed \$1,000. Merchandise prizes must be valued at their fair market value or suggested retail price, whichever is greater.*

Sec. 22. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [RAFFLES.] Raffles may be conducted by an organization (AS DEFINED IN SECTION 349.12, SUBDIVISION 13,) without complying with sections 349.11 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed (\$750) \$1,000. Merchandise prizes must be valued at their fair market value or suggested retail price, whichever is greater.

Sec. 23. Minnesota Statutes 1984, section 349.22, subdivision 2, is amended to read:

Subd. 2. [OTHER ACTION.] This section does not preclude civil or criminal actions under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of sections 349.11 to 349.214. County attorneys (HAVE PRIMARY RESPONSIBILITY FOR PROSECUTING VIOLATIONS OF SECTIONS 349.11 TO 349.214, BUT) or the attorney general may prosecute any violation of (THOSE) sections 349.11 to 349.214.

Sec. 24. Minnesota Statutes 1984, section 349.31, subdivision 1, is amended to read:

Subdivision 1. [INTENTIONAL POSSESSION; WILLFUL KEEPING.] The intentional possession or willful keeping of a gambling device on a licensed premises is cause for the revocation of any license under which the licensed business is carried

on upon the premises where the gambling device is found, provided that possession of gambling equipment as defined in section 349.12, subdivision 17, which is used for gambling (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD) *authorized under chapter 349* and the manufacture of gambling devices for use in jurisdictions where use of the gambling device is legal as provided for by section 349.40 shall not be cause for revocation of a license.

Sec. 25. Minnesota Statutes 1984, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) The operation of equipment or the conduct of a raffle (UNDER SECTIONS 349.11 TO 349.22, BY AN ORGANIZATION LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD) *authorized under chapter 349*.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 26. Minnesota Statutes 1984, section 609.761, is amended to read:

609.761 [OPERATIONS PERMITTED.]

Notwithstanding sections 609.755 and 609.76, an organization may conduct lawful gambling as defined in section 349.12, if (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD AND CONDUCTED UNDER SECTIONS 349.11 TO 349.22) *authorized under chapter 349*, and a person may manu-

facture, sell or offer for sale a gambling device to the organization, and pari-mutuel betting on horse racing may be conducted under chapter 240.

Sec. 27. [TRANSFERS OF POWERS.]

*Minnesota Statutes 1984, section 15.039, subdivisions 2 and 7 do not apply to the transfer of powers in sections 8 and 9.*

Sec. 28. [REPEALER.]

*Minnesota Statutes 1984, sections 349.19, subdivision 4; 349.212; and 349.213, subdivision 2, are repealed.*

Sec. 29. [EFFECTIVE DATE.]

*Sections 1 to 28 are effective June 1, 1985.*

ARTICLE 2

Section 1. [297C.01] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] For purposes of sections 1 to 13, the terms defined in this section have the meanings given them.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of revenue.*

*Subd. 3. [GAMBLING MANAGER.] "Gambling manager" means the gambling manager as defined in section 349.12, subdivision 14.*

*Subd. 4. [GROSS RECEIPTS.] "Gross receipts" means the total amount received in money or otherwise, from all lawful gambling.*

*Subd. 5. [LAWFUL GAMBLING.] "Lawful gambling" mean lawful gambling as defined in section 349.12, subdivision 2.*

*Subd. 6. [NET RECEIPTS.] "Net receipts" means the gross receipts of a licensed organization from lawful gambling less the cash or merchandise prizes actually paid out by the organization. Merchandise prizes must be valued at fair market value or suggested retail price, whichever is greater. "Prizes" does not include free plays awarded.*

*Subd. 7. [ORGANIZATION.] "Organization" means an organization licensed to conduct lawful gambling under chapter 349.*

## Sec. 2. [297C.02] [IMPOSITION OF TAX.]

*Subdivision 1. [TAX IMPOSED.] There is imposed a tax of ten percent of the net receipts from all lawful gambling conducted by organizations licensed under chapter 349. The tax imposed by this section is in lieu of the tax imposed by section 297A.02, and of all local taxes.*

*Subd. 2. [EXEMPTION.] \$10,000 in net receipts from lawful gambling collected by a licensed organization during each calendar year is exempt from the tax imposed by this section.*

*Subd. 3. [EXEMPT ORGANIZATIONS.] An organization that conducts raffles or bingo under section 349.214, subdivisions 1 or 2, and which does not conduct any other lawful gambling, is not subject to sections 297C.01 to 297C.13.*

## Sec. 3. [297C.03] [APPLICATIONS.]

*Every licensed organization must file with the commissioner an application for a tax identification number and a lawful gambling permit. The application must be made on a form prescribed by the commissioner and must state the name and address of the organization, the names of all gambling managers, and other information required by the commissioner. The application must be signed by an authorized member or officer of the organization and the gambling managers.*

## Sec. 4. [297C.04] [PERMIT.]

*After compliance with sections 297C.03 and 297C.13, when security is required, the commissioner shall issue a permit to the applicant. A permit is valid until revoked but is not assignable. It is valid only for the organization in whose name it is issued.*

## Sec. 5. [297C.05] [REVOCATION OF PERMITS.]

*Whenever a licensed organization fails to comply with any provision of sections 297C.01 to 297C.13 or any rule of the commissioner adopted under sections 297C.01 to 297C.13, the commissioner, upon hearing, after giving the organization 30 days' notice in writing specifying the time and place of hearing and the reason for the proposed revocation and requiring the organization to show cause why his permit or permits should not be revoked, may for reasonable cause, revoke, or suspend any one or more of the permits held by the organization. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency. The commissioner may not issue a new permit after revocation except upon application accompanied by reasonable evidence of the intention of the applicant to comply with the aforementioned provisions and rules. The commissioner may condition the issuance of a new permit to the applicant on*

*the supplying of security in addition to that authorized by section 297C.09 as is reasonably necessary to ensure compliance with the aforementioned provisions and rules.*

**Sec. 6. [297C.06] [GAMBLING WITHOUT PERMITS; VIOLATIONS.]**

*A licensed organization that conducts lawful gambling as defined in section 349.12 in Minnesota without the required permit or permits, and each officer, employee, or member of the organization who directs, authorizes, or manages gambling without the required permit or permits, is guilty of a gross misdemeanor.*

*Any licensed organization that conducts lawful gambling in Minnesota after revocation of the permit under section 297C.05, when the commissioner has not issued a new permit, and each officer, employee, or member of the organization who directs, authorizes, or manages gambling after revocation of the permit, is guilty of a felony.*

**Sec. 7. [297C.07] [TIME FOR PAYMENT TO COMMISSIONER.]**

*Subdivision 1. [PAYMENT DUE.] The taxes imposed by sections 297C.01 to 297C.13 are due and payable to the commissioner monthly on or before the 25th day of the month next succeeding the month in which the taxable event occurred or succeeding such other reporting period as the commissioner may prescribe.*

*Subd. 2. [RETURN FORM.] The tax return form must include printed notice in eight point type or larger that the return and payment must be received by the commissioner no later than the due date.*

**Sec. 8. [297C.08] [RETURNS.]**

*Subdivision 1. [TIME FOR FILING.] On or before the 25th day of each month in which taxes imposed by sections 297C.01 to 297C.13 are payable, a return for the preceding reporting period shall be filed with the commissioner in the form prescribed by the commissioner, verified by a written declaration that it is made under the criminal penalties for wilfully making a false return, and shall contain a confession of judgment for the amount of the tax shown due to the extent not timely paid. Any organization conducting lawful gambling at two or more locations shall file a consolidated return subject to any rules adopted by the commissioner.*

*Subd. 2. [RETURNS MUST BE SIGNED.] All returns must be signed by the gambling manager and an authorized member of the organization in writing.*

*Subd. 3. [RECORDS REQUIRED.] Every organization liable for the tax imposed by this chapter shall keep records, render statements, make returns, and comply with any rules, as the commissioner may adopt. Any return or statement must include therein the information required by the rules and by the forms prescribed by the commissioner. For the purpose of determining compliance with the provisions of this subdivision, the commissioner may examine, or cause to be examined, any books, papers, records, or memoranda relevant to making a determination, whether the books, papers, records, or memoranda are the property of or in the possession of the organization or any other person or corporation. The commissioner may require the attendance of any persons having knowledge or information in the premises, to compel the production of books, papers, records, or memoranda by persons so required to attend, to take testimony on matters material to a determination, and to administer oaths or affirmations.*

**Sec. 9. [297C.09] [SECURITY.]**

*Whenever deemed necessary to insure compliance with sections 297C.01 to 297C.13, the commissioner may require an organization subject to them to deposit security in a form and in the amount determined by the commissioner but the amount of the security may not be greater than twice the estimated average liability for the period for which the returns are required to be filed, or \$10,000, whichever is less. The amount of security may be increased or decreased by the commissioner, subject to the limitations herein provided. The commissioner may sell property deposited as security at public auction if necessary in order to recover any tax or any amount required to be collected, including interest and penalties, if any. Notice of the sale must be served upon the organization that deposited the security by mail. After any sale any surplus above the amount due not required as security under this section must be returned to the organization that deposited the security. For security, the commissioner may require an organization to file a bond, issued by a surety company authorized to transact business in this state and approved by the commissioner of commerce as to solvency and responsibility.*

**Sec. 10. [297C.10] [POWERS OF COMMISSIONER.]**

*Subdivision 1. [RULES.] The commissioner shall promulgate all necessary rules for the administration and enforcement of sections 297C.01 to 297C.13. The rules will have the force and effect of law. The commissioner is not subject to the rule-making provisions of chapter 14 for rules adopted under this subdivision. The commissioner must comply with section 14.38, subdivision 7, when adopting such rules.*

*Subd. 2. [COLLECTION; CIVIL PENALTIES; INTEREST.] The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax are appli-*



*cable to the tax imposed by sections 297C.01 to 297C.13. The commissioner shall impose civil penalties as provided in chapter 297A, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.*

**Sec. 11. [297C.11] [PENALTIES.]**

*Subdivision 1. [FAILURE TO FILE OR PAY.] In addition to any other penalties prescribed, any person who willfully fails to make a return or willfully makes a false return or willfully fails to pay over taxes imposed by this chapter collected for or on behalf of the state, or attempts in any manner to evade or defeat the taxes imposed by this chapter is guilty of a gross misdemeanor unless the amount of the tax involved exceeds \$300, in which event he is guilty of a felony. The term "person" as used in this subdivision includes any officer, member, or employee of a corporation, partnership, or organization who as an officer, member, or employee is under a duty to perform the act in respect to which the violation occurs. Notwithstanding the provisions of section 628.26, or any other provision of the criminal laws of this state, an indictment may be found and filed, upon any criminal offense specified in this subdivision, in the proper court within six years after the commission of the offense.*

*Subd. 2. [FALSE CLAIM.] Any person who willfully aids, procures, counsels, or advises the preparation or presentation in connection with any matter arising under this section, of a return, affidavit, claim, or other document, which is fraudulent or false as to any material matter, where the falsity or fraud is with or without the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor unless the tax involved exceeds \$300, in which event he is guilty of a felony. Any criminal offense under this subdivision may be prosecuted in the same manner and within the same period of limitations provided in subdivision 1.*

**Sec. 12. [297C.12] [CONFIDENTIAL NATURE OF INFORMATION.]**

*It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any report or return required by sections 297C.01 to 297C.13, or any information concerning the affairs of the organization making the return acquired from its records, officers, or employees while examining or auditing under the authority of this chapter, except in connection with a proceeding involving taxes due under this chapter. Nothing herein may be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and their contents. Any*

*person violating the provisions of this section is guilty of a gross misdemeanor.*

*Notwithstanding the provisions of this section, the commissioner may furnish information on a reciprocal basis to the taxing officials of another state, or to the officials of any local unit of government of the state of Minnesota in order to implement the purposes of this chapter, chapter 349, and section 270.72.*

*In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed will be administered by the vendor consistent with this section.*

**Sec. 13. [297C.13] [DEPOSIT OF REVENUE.]**

*Taxes and fees imposed by this article shall be deposited in the state treasury and credited to the general fund.*

**Sec. 14. [SALES TAX EXEMPTION.]**

*The gross receipts from the conduct of lawful gambling conducted under Minnesota Statutes, chapter 349, received prior to January 1, 1985, are exempt from taxation, and interest and penalties thereon, under Minnesota Statutes, chapter 297A. The commissioner shall make no refunds of any sales tax paid on gross receipts from lawful gambling received prior to January 1, 1985."*

Delete the title and insert:

*"A bill for an act relating to lawful gambling; transferring certain functions of the charitable gambling control board to local units of government and to the commissioner of revenue; imposing penalties; amending Minnesota Statutes 1984, section 340.14, subdivision 2; 349.12, subdivision 11 and by adding subdivisions; 349.14; 349.151; 349.16; 349.161; 349.162; 349.17; 349.18, subdivisions 1 and 2; 349.19, subdivisions 5 and 6, and by adding a subdivision; 349.20; 349.21; 349.211, subdivisions 3 and 4; 349.213, subdivision 1; 349.214, subdivisions 1 and 2; 349.22, subdivision 2; 349.31, subdivision 1; 609.75, subdivision 3; and 609.761; repealing Minnesota Statutes 1984, sections 349.19, subdivision 4; 349.212; and 349.213, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 297C."*

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

**The report was adopted.**

## CALENDAR

H. F. No. 381, A bill for an act relating to elections; changing voting hours in towns; amending Minnesota Statutes 1984, sections 204C.04; and 204C.05, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Nelson, D.	Quinn	Segal	Skoglund	Voss
Osthoff				

The bill was passed and its title agreed to.

H. F. No. 415, A bill for an act relating to elections; permitting certain reports to be made by certified mail; amending Minnesota Statutes 1984, section 10A.20, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

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.	Brown	Erickson	Himle	Levi
Anderson, R.	Burger	Fjoslien	Jacobs	Lieder
Backlund	Carlson, D.	Forsythe	Jaros	Long
Battaglia	Carlson, J.	Frederick	Jennings, L.	Marsh
Beard	Carlson, L.	Frederickson	Johnson	McDonald
Becklin	Clark	Frerichs	Kahn	McEachern
Begich	Clausnitzer	Greenfield	Kalis	McLaughlin
Bennett	Cohen	Gruenes	Kelly	McPherson
Bishop	Dempsey	Gutknecht	Kiffmeyer	Metzen
Blatz	DenOuden	Halberg	Knickerbocker	Miller
Boerboom	Dimler	Hartinger	Knuth	Minne
Boo	Dyke	Hartle	Kostohryz	Munger
Brandl	Elioff	Haukoos	Krueger	Murphy
Brinkman	Ellingson	Heap	Kvam	Nelson, D.

Nelson, K.	Pauly	Rodosovich	Solberg	Valento
Neuenschwander	Peterson	Rose	Sparby	Vanasek
Norton	Piepho	Sarna	Stanius	Vellenga
O'Connor	Piper	Schafer	Staten	Voss
Ogren	Poppenhagen	Scheid	Sviggum	Waltman
Olsen, S.	Price	Schoenfeld	Thiede	Welle
Olson, E.	Quinn	Schreiber	Thorson	Wenzel
Omann	Quist	Seaberg	Tjornhom	Zaffke
Onnen	Redalen	Segal	Tomlinson	Spk. Jennings, D.
Osthoff	Rees	Shaver	Tompkins	
Otis	Rest	Sherman	Tunheim	
Ozment	Richter	Simoneau	Uphus	
Pappas	Riveness	Skoglund	Valan	

The bill was passed and its title agreed to.

H. F. No. 454, A bill for an act relating to motor vehicles; providing defense to charge of operating motor vehicle without valid registration; amending Minnesota Statutes 1984, sections 168.09, by adding a subdivision; and 168.11, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 65, A bill for an act relating to taxation; sales and use; eliminating accelerated payment of liability; amending

Minnesota Statutes 1984, section 297A.27, subdivision 1; repealing Minnesota Statutes 1984, section 297A.275.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Tomlinson

The bill was passed and its title agreed to.

S. F. No. 287, A bill for an act relating to the city of Hibbing; fixing the terms of mayor and city council members.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown

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

The bill was passed and its title agreed to.

H. F. No. 327, A bill for an act relating to transportation; defining "trees and hedges" for purposes of removal from highway right of way; amending Minnesota Statutes 1984, section 160.22, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Stanius	Thorson	Tunheim	Vanasek	Welle
Staten	Tjornhom	Uphus	Vellenga	Wenzel
Sviggum	Tomlinson	Valan	Voss	Zaffke
Thiede	Tompkins	Valento	Waltman	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 759, A bill for an act relating to elections; changing certain procedures and deadlines related to absentee ballots; changing the municipal election filing deadline; amending Minnesota Statutes 1984, sections 203B.17, subdivision 2; 203B.21, subdivision 3; 204B.35, subdivision 4; and 205.13, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 143, A bill for an act relating to utilities; providing that gas and electric utilities may not seek compensation from landlords for delinquent bills incurred through a service agreement solely with the tenant; proposing coding for new law in Minnesota Statutes, chapter 325E.

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



The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Olson, E.

The bill was passed and its title agreed to.

S. F. No. 118, 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; and 179A.20, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brandl
Anderson, R.	Beard	Bennett	Boerboom	Brinkman
Backlund	Becklin	Bishop	Boo	Brown

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

The bill was passed and its title agreed to.

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, 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 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden

Erickson

Forsythe

Skoglund

The bill was passed and its title agreed to.

H. F. No. 539, A bill for an act relating to utilities; excepting certain public utility pipelines from county and environmental quality board regulation; making changes in future public utilities commission membership; authorizing settlement in cases of proposed general rate increases by public utilities upon review and approval by public utilities commission; authorizing department of public service to consolidate prehearing discovery activities of attorney general regarding utility rate changes; eliminating depreciation as factor in commission determination of fair rate of return for utility; allowing certain advertising expense of utility to be considered for rate purposes; abolishing intervention cost reimbursement in rate proceedings; increasing cost limitation for utility to acquire use of additional operating unit before commission authorization is required; amending Minnesota Statutes 1984, sections 116I.01, subdivision 3; 216A.03, subdivision 1; 216B.16, subdivisions 1a, 2, 6, and 8; and 216B.50, subdivision 1; repealing Minnesota Statutes 1984, section 216B.16, subdivision 10; and 237.075, subdivision 10.

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 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ellingson	McLaughlin	Nelson, K.	Quinn	Voss
Jacobs	Munger	Otis	Staten	Wynia
Long	Nelson, D.	Pappas		

The bill was passed and its title agreed to.

H. F. No. 786, A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board and the telecommunications council; amending Minnesota Statutes 1984, sections 1.22; 4.31, subdivision 5; 14.02, subdivision 4; 16B.20, subdivision 2; 16B.33, subdivision 2; 35.02, subdivision 1; 40.03, subdivision 1; 84B.11, subdivision 1; 115.74, subdivision 1; 116C.41, subdivision 2; 116L.03; 121.82, subdivision 1; 121.83; 129B.01, subdivision 1; 144A.19, subdivision 1; 147.01, subdivisions 1 and 2; 148.03; 148.181; 148.52; 148.90, subdivision 2; 150A.02, subdivision 1; 151.03; 153.02; 154.22; 156.01, subdivisions 1 and 2; 161.1419, subdivision 2; 250.05, subdivision 2; 254A.04; 270.41; 326.04; 326.17; 326.241, subdivision 1; 343.01, subdivision 3; 386.63, subdivision 1; 611.215, subdivision 1; and 626.841; amending Laws 1984, chapter 654, article 2, section 151, subdivision 2; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.01; 238.02, subdivision 4; 238.04 to 238.06; 238.08, subdivision 2; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; and 238.13 to 238.17.

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 91 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Knuth	Pauly	Stanius
Anderson, R.	Frederick	Kostohryz	Piepho	Sviggum
Backlund	Frederickson	Krueger	Piper	Thiede
Beard	Frerichs	Kvam	Poppenhagen	Thorson
Bennett	Gruenes	Levi	Price	Tjornhom
Blatz	Cutknecht	Marsh	Quist	Tompkins
Boo	Halberg	McDonald	Redalen	Uphus
Brinkman	Hartinger	McEachern	Rees	Valan
Burger	Hartle	McKasy	Richter	Valento
Carlson, D.	Haukoos	McPherson	Rodosovich	Vanasek
Carlson, J.	Heap	Miller	Rose	Waltman
Clausnitzer	Himle	Neuenschwander	Sarna	Welle
Cohen	Jacobs	O'Connor	Schafer	Wenzel
Dempsey	Jennings, L.	Olsen, S.	Schoenfeld	Zaffke
DenOuden	Johnson	Olson, E.	Schreiber	Spk. Jennings, D.
Dimler	Kalis	Omann	Seaberg	
Dyke	Kelly	Onnen	Shaver	
Erickson	Kiffmeyer	Osthoff	Sherman	
Fjoslien	Knickerbocker	Ozment	Solberg	

**Those who voted in the negative were :**

Battaglia	Elioff	Metzen	Otis	Skoglund
Becklin	Ellingson	Minne	Pappas	Sparby
Begich	Greenfield	Munger	Peterson	Staten
Boerboom	Jaros	Murphy	Quinn	Tunheim
Brandl	Kahn	Nelson, D.	Rest	Veilenga
Brown	Lieder	Nelson, K.	Riveness	Voss
Carlson, L.	Long	Norton	Segal	Wynia
Clark	McLaughlin	Ogren	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 331, A bill for an act relating to health: permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 5 nays as follows:

**Those who voted in the affirmative were :**

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

**Those who voted in the negative were :**

Carlson, J.	McPherson	Richter	Staten	Tompkins
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The bill was passed and its title agreed to.

H. F. No. 94, A bill for an act relating to agriculture; changing certain soil and water conservation priorities; amending Minnesota Statutes 1984, sections 40.036, subdivisions 1 and 3; repealing Minnesota Statutes 1984, sections 40.036, subdivisions 4, 5, and 6; and 40.038, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 216, A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, section 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Begich	Blatz	Brinkman
Anderson, R.	Beard	Bennett	Boerboom	Brown
Backlund	Becklin	Bishop	Brandl	Burger

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

The bill was passed and its title agreed to.

H. F. No. 422, A bill for an act relating to the city of West Saint Paul; changing the municipal election day and extending the terms of certain elected officials.

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

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

Those who voted in the affirmative were:

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

Valan  
Valento  
Vanasek

Vellenga  
Voss

Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 256, A bill for an act relating to motor vehicles; defining terms; regulating van-type motor homes; amending Minnesota Statutes 1984, sections 168.011, subdivision 25, and by adding subdivisions; and 168.27, subdivisions 2 and 10.

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

The bill was passed and its title agreed to.

S. F. No. 483, A bill for an act relating to education ; approving a capital loan ; directing the commissioner to issue bonds to make the loan to independent school district No. 690, Warroad.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows :

## Those who voted in the affirmative were :

Anderson, G.	Clark	Hartle	Levi	O'Connor
Anderson, R.	Clausnitzer	Haukoos	Lieder	Ogren
Backlund	Cohen	Heap	Long	Olsen, S.
Battaglia	Dempsey	Himle	Marsh	Olson, E.
Beard	Dimler	Jacobs	McDonald	Omman
Becklin	Dyke	Jaros	McEachern	Onnen
Begich	Elioff	Jennings, L.	McKasy	Osthoff
Bennett	Ellingson	Johnson	McLaughlin	Otis
Bishop	Erickson	Kahn	McPherson	Ozment
Blatz	Forsythe	Kalis	Metzen	Pappas
Boo	Frederick	Kelly	Minne	Pauly
Brandl	Frederickson	Kiffmeyer	Munger	Peterson
Brinkman	Greenfield	Knickerbocker	Murphy	Piepho
Brown	Gruenes	Knuth	Nelson, D.	Piper
Burger	Gutknecht	Kostohryz	Nelson, K.	Poppenhagen
Carlson, D.	Halberg	Krueger	Neuenschwander	Price
Carlson, L.	Hartinger	Kvam	Norton	Quinn

Quist	Sarna	Skoglund	Tjornhom	Vellenga
Redalen	Schafer	Solberg	Tomlinson	Voss
Rees	Scheid	Sparby	Tompkins	Waltman
Rest	Schoenfeld	Stanias	Tunheim	Welle
Richter	Schreiber	Staten	Uphus	Wenzel
Riveness	Seaberg	Sviggum	Valan	Wynia
Rodosovich	Segal	Thiede	Valento	Spk. Jennings, D.
Rose	Sherman	Thorson	Vanasek	

Those who voted in the negative were:

Boerboom	DenOuden	Fjoslien	Frerichs	Miller
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The bill was passed and its title agreed to.

H. F. No. 446, A bill for an act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 470, A bill for an act relating to education; authorizing the establishment of joint vocational technical districts; providing for a governing board; authorizing post-secondary and adult vocational programs, secondary education programs, and secondary services; providing for separate bargaining units, limitations on reinstatements, and certain other labor issues; transferring all school district real and personal property to the joint district; authorizing the joint district to levy for certain purposes; providing for intention of state funding of construction; providing for bonded indebtedness, fund transfers, and debt service; amending Minnesota Statutes 1984, sections 136C.02, subdivisions 6 and 8, and by adding a subdivision; 136C.41, by adding a subdivision; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136D.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 586 was reported to the House and given its third reading.

McEachern moved that H. F. No. 586 be continued on the Calendar for one day. The motion prevailed.

H. F. No. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

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 3 nays as follows:

Those who voted in the affirmative were:

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	Stanisus
Begich	Greenfield	McDonald	Piper	Staten
Bennett	Gruenes	McEachern	Poppenhagen	Sviggum
Bishop	Gutknecht	McKasy	Price	Thorson
Blatz	Halberg	McLaughlin	Quinn	Tjornhom
Boerboom	Hartinger	McPherson	Quist	Tomlinson
Boo	Hartle	Metzen	Redalen	Tompkins
Brandl	Haukoos	Miller	Rees	Tunheim
Brinkman	Heap	Minne	Rest	Uphus
Brown	Himle	Munger	Richter	Valan
Burger	Jacobs	Murphy	Riveness	Valento
Carlson, D.	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	Spk. Jennings, D.
Dyke	Knuth	Onnen	Segal	
Elioff	Kostohryz	Osthoff	Shaver	

Those who voted in the negative were:

Carlson, J.	Frerichs	Thiede
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The bill was passed and its title agreed to.

H. F. No. 698, A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

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 4 nays as follows:

## Those who voted in the affirmative were:

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

## Those who voted in the negative were:

DenOuden      Erickson      Hartinger      Skoglund

The bill was passed and its title agreed to.

H. F. No. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

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

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

## Those who voted in the affirmative were:

Anderson, R.	Boerboom	Clausnitzer	Fjoslien	Hartinger
Backlund	Boo	Cohen	Forsythe	Hartle
Battaglia	Brandl	Dempsey	Frederick	Haukoos
Beard	Brinkman	DenOuden	Frederickson	Heap
Becklin	Brown	Dimler	Frerichs	Himle
Begich	Carlson, D.	Dyke	Greenfield	Jacobs
Bennett	Carlson, J.	Elioff	Gruenes	Jaros
Bishop	Carlson, L.	Ellingson	Gutknecht	Jennings, L.
Blatz	Clark	Erickson	Halberg	Johnson

Kahn	McPherson	Ozment	Schafer	Tompkins
Kalis	Metzen	Pappas	Scheid	Tunheim
Kelly	Miller	Pauly	Schoenfeld	Uphus
Kiffmeyer	Minne	Peterson	Schreiber	Valan
Knickerbocker	Munger	Piepho	Seaberg	Valento
Knuth	Murphy	Piper	Segal	Vanasek
Kostohryz	Nelson, K.	Poppenhagen	Shaver	Vellenga
Krueger	Neuenschwander	Price	Sherman	Voss
Kvam	Norton	Quinn	Simoneau	Waltman
Levi	O'Connor	Redalen	Skoglund	Wenzel
Lieder	Ogren	Rees	Solberg	Wynia
Long	Olsen, S.	Rest	Sparby	Zaffke
Marsh	Olson, E.	Richter	Stanis	Spk. Jennings, D.
McDonald	Omann	Riveness	Staten	
McEachern	Onnen	Rodosovich	Sviggum	
McKasy	Osthoff	Rose	Tjornhom	
McLaughlin	Otis	Sarna	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 738, A bill for an act relating to taxation; eliminating the excise tax rates for farm wineries; reducing the excise tax credit for certain malt beverages and extending the credit to beverages produced outside Minnesota; amending Minnesota Statutes 1984, sections 340.435, subdivisions 1 and 5; 340.47, subdivision 2; repealing Minnesota Statutes 1984, sections 340.436; and 340.47, subdivision 2a.

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 5 nays as follows:

Those who voted in the affirmative were:

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	Stanis
Begich	Frerichs	McDonald	Piper	Sviggum
Bennett	Greenfield	McEachern	Poppenhagen	Thiede
Bishop	Gruenes	McKasy	Price	Thorson
Blatz	Gutknecht	McLaughlin	Quinn	Tjornhom
Boo	Hartle	McPherson	Quist	Tomlinson
Brandl	Haukoos	Metzen	Redalen	Tunheim
Brinkman	Heap	Miller	Rees	Uphus
Brown	Himle	Minne	Rest	Valan
Burger	Jacobs	Munger	Richter	Valento
Carlson, D.	Jaros	Murphy	Rodosovich	Vanasek
Carlson, J.	Jennings, L.	Nelson, K.	Rose	Vellenga
Carlson, L.	Johnson	Neuenschwander	Sarna	Voss
Clark	Kahn	Norton	Schafer	Waltman
Clausnitzer	Kalis	Ogren	Scheid	Welle
Cohen	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Knickerbocker	Olson, E.	Schreiber	Wynia
Dyke	Knuth	Omann	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	

Those who voted in the negative were:

DenOuden

Dimler

Hartinger

O'Connor

Onnen

The bill was passed and its title agreed to.

Nelson, K., was excused for the remainder of today's session.

H. F. No. 771 was reported to the House and given its third reading.

#### CALL OF THE HOUSE

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

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

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.

Kahn moved to return H. F. No. 771 to General Orders.

A roll call was requested and properly seconded.

#### POINT OF ORDER

Carlson, J., raised a point of order pursuant to section 114, paragraph 4, of "Mason's Manual of Legislative Procedure" relating to asking questions of members. The Speaker ruled the point of order not well taken.

The question recurred on the Kahn motion and the roll was called.

Cohen moved that those not voting be excused from voting. The motion did not prevail.

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

There were 32 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Brandl	Himle	McLaughlin	Piper	Tomlinson
Carlson, L.	Jaros	Minne	Rest	Vellenga
Clark	Jennings, L.	Munger	Riveness	Welle
Cohen	Kahn	Norton	Segal	Wynia
Frerichs	Kelly	Osthoff	Simoneau	
Greenfield	Knuth	Otis	Skoglund	
Hartle	Long	Pappas	Staten	

Those who voted in the negative were:

Anderson, G.	Dimler	Kostohryz	Ozment	Sherman
Anderson, R.	Dyke	Krueger	Pauly	Solberg
Backlund	Elioff	Kvam	Peterson	Sparby
Battaglia	Ellingson	Levi	Piepho	Stanisus
Beard	Erickson	Lieder	Poppenhagen	Sviggum
Becklin	Fjoslien	Marsh	Price	Thiede
Begich	Forsythe	McDonald	Quinn	Thorson
Bennett	Frederick	McEachern	Quist	Tjornhom
Bishop	Frederickson	McKasy	Redalen	Tompkins
Blatz	Gruenes	McPherson	Rees	Tunheim
Boerboom	Gutknecht	Metzen	Richter	Uphus
Boo	Halberg	Miller	Rodosovich	Valan
Brinkman	Hartinger	Murphy	Rose	Valento
Brown	Haukoos	Neuenschwander	Sarna	Vanasek
Burger	Heap	O'Connor	Schafer	Voss
Carlson, D.	Jacobs	Ogren	Scheid	Waltman
Carlson, J.	Johnson	Olsen, S.	Schoenfeld	Wenzel
Clausnitzer	Kalis	Olson, E.	Schreiber	Zaffke
Dempsey	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
DenOuden	Knickerbocker	Onnen	Shaver	

The motion did not prevail.

H. F. No. 771, 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 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 98 yeas and 33 nays as follows:



Those who voted in the affirmative were:

Anderson, G.	Dyke	Kvam	Pauly	Sparby
Anderson, R.	Elioff	Levi	Peterson	Stanius
Backlund	Ellingson	Lieder	Piepho	Sviggum
Battaglia	Erickson	Marsh	Poppenhagen	Thiede
Beard	Fjoslien	McDonald	Price	Thorson
Becklin	Forsythe	McEachern	Quinn	Tjornhom
Begich	Frederick	McKasy	Quist	Tompkins
Bennett	Frederickson	McPherson	Redalen	Tunheim
Blatz	Gruenes	Metzen	Rees	Uphus
Boerboom	Gutknecht	Miller	Richter	Valan
Boo	Hartinger	Murphy	Rodosovich	Valento
Brinkman	Haukoos	Neuenschwander	Rose	Vanasek
Brown	Heap	O'Connor	Sarna	Voss
Burger	Jacobs	Ogren	Schafer	Waltman
Carlson, D.	Johnson	Olsen, S.	Scheid	Welle
Carlson, J.	Kalis	Olson, E.	Schoenfeld	Wenzel
Clausnitzer	Kelly	Omann	Schreiber	Zaffke
Dempsey	Kiffmeyer	Onnen	Seaberg	Spk. Jennings, D.
DenOuden	Knickerbocker	Osthoff	Sherman	
Dimler	Krueger	Ozment	Solberg	

Those who voted in the negative were:

Bishop	Halberg	Long	Pappas	Skoglund
Brandl	Hartle	McLaughlin	Piper	Staten
Carlson, L.	Himle	Minne	Rest	Tomlinson
Clark	Jaros	Munger	Riveness	Vellenga
Cohen	Jennings, L.	Nelson, D.	Segal	Wynia
Frerichs	Kahn	Norton	Shaver	
Greenfield	Knuth	Otis	Simoncau	

The bill was passed and its title agreed to.

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

H. F. No. 825 was reported to the House and given its third reading.

Bennett moved that H. F. No. 825 be continued on the Calendar for one day. The motion prevailed.

## 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. 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. 517 and 520 were recommended for progress.

H. F. No. 755 was recommended for progress until Monday, April 8, 1985.

H. F. No. 848 which it recommended to pass with the following amendments:

Offered by Blatz:

Page 7, lines 29 to 31, reinstate the stricken language and delete the new language

Page 16, after line 28, insert:

"Sec. 21. [626.641] [SPECIALIZED TRAINING AND EDUCATION REQUIRED.]

*Subdivision 1. [JOB CLASSIFICATION; CONTINUING EDUCATION.] The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a and 10b.*

*All child protection workers or social services staff having responsibility for child protective duties under section 626.556, subdivisions 10, 10a and 10b, shall receive 15 hours of continuing education or inservice training each year. The local social service agency shall submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval.*

*Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:*

*(1) the special duties of child protection workers and law enforcement officers under section 626.556;*

*(2) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services;*

*(3) the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;*

(4) *the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;*

(5) *the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;*

(6) *the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse and, to the extent possible, to preserve the family unit; and*

(7) *the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.*

*Subd. 3. [PRIORITY TRAINING.] The commissioners of human services and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to section 626.556, subdivisions 10, 10a and 10b.*

*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."*

Renumber the remaining sections

Page 18, after line 2, insert:

"Sec. 24. [EFFECTIVE DATE.]

*Section 21 is effective July 1, 1985. The remaining sections are effective August 1, 1985."*

Amend the title as follows:

Page 1, line 13, after the semicolon, insert: "providing a training program for child protection workers and requiring a new job classification in child protection;"

Offered by Blatz:

Page 3, line 33, after "abuse" insert "over any other case except those cases where a child is being held in detention"

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 call was taken in the Committee of the Whole:

The question was taken on the Osthoff request to progress H. F. No. 848, as amended, and place it at the top of General Orders and the roll was called. There were 21 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Battaglia	Neuenschwander	Peterson	Scheid	Vanasek
Jacobs	Norton	Piper	Solberg	Voss
Kahn	Olson, E.	Price	Staten	Welle
Krueger	Osthoff	Quinn	Tunheim	Wynia
Nelson, D.				

Those who voted in the negative were:

Anderson, R.	Dempsey	Levi	Pauly	Simoneau
Backlund	Dyke	Lieder	Piepho	Sparby
Becklin	Elioff	Marsh	Poppenhagen	Stanius
Bennett	Ellingson	McDonald	Quist	Sviggun
Blatz	Frederick	McEachern	Rees	Thiede
Boerboom	Frederickson	McKasy	Richter	Tomlinson
Boo	Greenfield	McPherson	Riveness	Tompkins
Brinkman	Halberg	Miller	Rodosovich	Uphus
Brown	Hartinger	Munger	Rose	Valan
Burger	Hartle	Murphy	Schafer	Valento
Carlson, D.	Haukoos	Olsen, S.	Schreiber	Waltman
Carlson, J.	Heap	Omann	Seaberg	Zaffke
Carlson, L.	Kiffmeyer	Onnen	Shaver	Spk. Jennings, D.
Cohen	Knuth	Ozment	Sherman	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Kalis moved that his name be stricken as an author on H. F. No. 520. The motion prevailed.

Jacobs moved that his name be stricken as an author on H. F. No. 539. The motion prevailed.

Marsh moved that the name of Clausnitzer be stricken and the name of Stanius be added as an author on H. F. No. 654. The motion prevailed.

Rees moved that the names of Fjoslien and Rodosovich be added as authors on H. F. No. 725. The motion prevailed.

Bennett moved that the name of Piepho be stricken as an author on H. F. No. 773. The motion prevailed.

Staten moved that the name of McLaughlin be added as an author on H. F. No. 868. The motion prevailed.

McPherson moved that her name be stricken as an author on H. F. No. 1207. The motion prevailed.

Himle moved that the name of Hartle be added as third author and the name of Simoneau be added as fourth author on H. F. No. 1262. The motion prevailed.

McLaughlin moved that the names of Rest and Staten be added as authors on H. F. No. 1272. The motion prevailed.

Pappas moved that the name of Clark be added as an author on H. F. No. 1275. The motion prevailed.

Beard moved that the name of Segal be added as an author on H. F. No. 1276. The motion prevailed.

Beard moved that the name of Clark be added as an author on H. F. No. 1277. The motion prevailed.

Burger moved that the name of Rest be added as an author on H. F. No. 1280. The motion prevailed.

Rose moved that the name of Rees be added as an author on H. F. No. 1287. The motion prevailed.

Nelson, K., moved that the name of Staten be added as an author on H. F. No. 1288. The motion prevailed.

Onnen moved that the name of Segal be added as an author on H. F. No. 1291. The motion prevailed.

Battaglia moved that the name of Pappas be added as an author on H. F. No. 1315. The motion prevailed.

McDonald moved that the name of Fjoslien be added as an author on H. F. No. 1333. The motion prevailed.

Clark moved that the names of Pappas and Staten be added as authors on H. F. No. 1355. The motion prevailed.

Clark moved that the names of Pappas and Staten be added as authors on H. F. No. 1356. The motion prevailed.

Himle moved that H. F. No. 416 be recalled from the Committee on Appropriations and be re-referred to the Committee on Taxes. The motion prevailed.

Schreiber moved that H. F. No. 1375 be recalled from the Committee on Financial Institutions and Insurance and be referred to the Committee on Local and Urban Affairs. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, April 4, 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., Thursday, April 4, 1985.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**