

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

THIRTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 15, 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 Carl Klompfen, First Christian Reformed Church, Prinsburg, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, G.; Tunheim and Vellenga were excused.

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

pensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 737, 788, 1098, 1191, 1260, 967, 1017, 1308, 1375, 1388, 1513, 134, 135, 823, 1097, 1112, 1116, 1266, 1374, 163, 580, 695, 785, 838, 1171, 255 and 755 and S. F. Nos. 1320, 33, 230 and 472 have been placed in the members' files.

S. F. No. 374 and H. F. No. 737, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Backlund moved that the rules be so far suspended that S. F. No. 374 be substituted for H. F. No. 737 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 19 and H. F. No. 1180, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lieder moved that the rules be so far suspended that S. F. No. 19 be substituted for H. F. No. 1180 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 10, 1985

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

Dear Sir:

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

H. F. No. 34, relating to liquor; allowing an exemption from requirement for use of Minnesota grown grapes by farm wineries; amending Minnesota Statutes 1984, section 340.435, by adding a subdivision.

H. F. No. 329, relating to peace officers; requiring a person seeking appointment as a part-time peace officer to provide the board of peace officer standards and training with proof that he or she has complied with appointment requirements; amending Minnesota Statutes 1984, section 626.8463.

H. F. No. 509, relating to statutes; providing free distribution of Minnesota Statutes to library of largest municipality of each county; amending Minnesota Statutes 1984, section 3C.12, subdivision 2.

Sincerely,

RUDY PERPICH
Governor

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

April 10, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
122		11	April 10	April 10
	34	12	April 10	April 10
	329	13	April 10	April 10
	509	14	April 10	April 10

483	15	April 10	April 10
198	16	April 10	April 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 208, A bill for an act relating to agriculture; changing requirements for state livestock weighing services; removing the limitation on certain fees; amending Minnesota Statutes 1984, sections 17A.10, subdivision 2; and 17A.11.

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

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 450, A bill for an act relating to children; replacing the state election campaign fund with a child abuse prevention trust fund; providing for disbursement of funds for child abuse prevention; creating a tax return checkoff to fund the child abuse prevention trust fund; appropriating money; amending Minnesota Statutes 1984, sections 290.06, subdivision 11; and 290.39, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257 and 290; repealing Minnesota Statutes 1984, sections 10A.30 to 10A.335.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1984, section 10A.25, subdivision 10, is amended to read:

Subd. 10. The expenditure limits imposed by this section apply only to candidates who agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of (:)

((A) AN ALLOCATION OF MONEY FROM THE STATE ELECTIONS CAMPAIGN FUND; OR)

((B)) credits against the tax due of individuals who contribute to that candidate.

Sec. 2. Minnesota Statutes 1984, section 10A.25, is amended by adding a subdivision to read:

Subd. 11. As a condition of receiving a public subsidy for an election campaign in the form of tax credits against the tax due from individuals who contribute to a candidate's principal campaign committee, a candidate shall agree by stating in writing to the board at any time beginning with the registration of the principal campaign committee that his or her expenditures and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25. The agreement shall remain effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded. The commissioner of revenue shall not allow any individual or married couple filing jointly to take a credit against any tax due, pursuant to section 290.06, subdivision 11, for any contribution to a candidate for legislative or statewide office who has not signed the agreement provided in this subdivision. Nothing in this subdivision shall be construed to limit the campaign expenditure of any candidate who does not sign an agreement under this subdivision but accepts a contribution for which the contributor claims a credit against tax due. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue. The board shall make available to any candidate signing an agreement a supply of Official Tax Credit Receipt forms which state in bold face type that (a) a contributor who is given a receipt form is eligible to receive a credit against tax due in an amount equal to 50 percent of his or her contribution but not more than \$50 for an individual, or not more than \$100 for a married couple filing jointly, and (b) that the candidate to whom he or she has contributed has voluntarily agreed to abide by campaign expenditure limits. If a candidate does not sign an agreement under this subdivision the candidate may not issue an Official Tax Credit Receipt form, or any facsimile thereof, to any of his or her contributors. Any candidate who does not voluntarily agree to abide by the expenditure limits imposed in section 10A.25 and who willfully issues Official Tax Credit Receipt forms, or any facsimile thereof, to any contributor is guilty of a misdemeanor."

Page 1, line 16, delete "2 to 5" and insert "4 to 7"

Page 1, line 18, delete "3" and insert "5"

Page 1, line 27, after the period, insert "*Child abuse prevention services may include but are not limited to support programs for new parents, parent education programs, early and regular child health and developmental screening programs, life skills training*"

for children and young adults, family crisis support services, and public information and education on child abuse prevention."

Page 2, line 1, delete "2" and insert "4"

Page 2, line 9, delete "4 and 5" and insert "6 and 7"

Page 2, line 10, delete "treasurer" and insert "board of investment"

Page 2, line 21, delete "3" and insert "5"

Page 2, line 24, delete "4" and insert "6"

Page 2, line 26, delete "3" and insert "5"

Page 2, line 28, delete "4" and insert "6"

Page 2, line 34, delete "2" and insert "4"

Page 3, line 29, delete "2 to 5" and insert "4 to 7"

Page 5, line 27, delete "2 to 5" and insert "4 to 7"

Page 6, line 1, delete "2" and insert "4"

Page 7, lines 2 to 5, reinstate the stricken language

Page 7, line 6, reinstate everything before the stricken "10A.-32,"

Page 7, line 7, after the stricken "3b" insert "10A.25, subdivision 11" and reinstate the period

Page 7, line 9, strike "qualifying for"

Page 7, strike line 10

Page 7, line 11, strike everything before the period and insert "as defined in section 10A.01, subdivision 13"

Page 7, lines 30 and 34, delete "5" and insert "7"

Page 7, line 35, delete "4" and insert "6"

Page 7, line 36, delete "1 to 5" and insert "3 to 7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "sections" insert "10A.25, subdivision 10, and by adding a subdivision;"

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. 529, A bill for an act relating to state and local government; providing procedures for the conduct of meetings by public bodies; amending Minnesota Statutes 1984, sections 62E.10, subdivision 4; 116C.60; 129.121, subdivision 5; 144.413, subdivision 3; 144.581, subdivision 4; and 400.04, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 471A; repealing Minnesota Statutes 1984, section 471.705.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [471A.01] [POLICY.]

The legislature finds that the proper conduct of government in Minnesota requires a fully informed public that is familiar with the deliberations and decisions of its public bodies, and with the information upon which these deliberations and decisions are based. It is therefore the public policy of the state of Minnesota that the hearings, deliberations, and actions of these public bodies be conducted openly. The provisions of this chapter are to be liberally construed with a view toward carrying out its policy.

Sec. 2. [471A.02] [MEETINGS OF PUBLIC BODIES OPEN TO PUBLIC.]

Except as otherwise provided in sections 1 to 15, every meeting of a public body, including executive sessions, shall be open to the public, and any person is entitled to attend such a meeting.

Sec. 3. [471A.03] [DEFINITIONS.]

Subdivision 1. [PUBLIC BODY.] As used in sections 1 to 15, "public body" means any agency, authority, board, commission, committee, council, department, or other body of:

(a) *the state;*

(b) a county, city, school district, town, or unorganized territory;

(c) any other political subdivision, public corporation, or other entity in the state

that is composed of two or more individual members, and that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, executive, or advisory function, or otherwise transacts any public business, regardless of how the particular public body was or is established.

Subd. 2. [BODIES INCLUDED.] The term "public body" includes:

(a) each committee, subcommittee, board, department, commission, or other component of a public body, or that is established by a public body or by one of its members;

(b) the University of Minnesota.

Subd. 3. [MEETING.] The term "meeting" means an assembly or gathering together at any time or place, or the simultaneous communication by conference telephone or other electronic means, of a quorum of the members of a public body in order to discuss, consider, receive information concerning, deliberate about, act upon, or in any other manner transact any public business within the actual or apparent authority of the public body. If the total membership of the public body is 14 or more, then only a majority of a quorum of the members shall be necessary to constitute a meeting.

Subd. 4. [GATHERINGS NOT INCLUDED.] The term "meeting" does not include any of the following, unless held to evade the spirit and purpose of sections 1 to 15:

(a) meetings among the professional staff or employees of a public body;

(b) social gatherings, chance encounters, or similar informal assemblies or gatherings together of (or including) the members of a public body;

(c) attendance by the members of a public body at a bona fide national, regional, or state convention, or at an educational program, provided that no meeting of the public body occurs that is distinct from the proceedings of the convention or program. However the term meeting does include programs or retreats attended by members of only one public body;

(d) negotiations, mediation sessions, or hearings between public employers and public employees, when closed pursuant to

the authority granted to the director of the bureau of mediation services in section 179A.14;

(e) gatherings of town board members to perform on-site inspections, where the town has no staff persons or employees capable of performing such inspections, and where the town board is acting essentially in a staff capacity;

(f) discussions involving fewer than a quorum of the members of a public body, except as provided in subdivision 3 of this section.

Sec. 4. [471A.04] [MEETINGS THAT MAY BE CLOSED.]

Subdivision 1. [CLOSED MEETINGS.] A public body may hold a meeting and exclude the public for the following reasons:

(a) To consult with its attorney in order to consider:

(i) the commencement, prosecution, possible settlement, or tactics of litigation with respect to a potential or pending judicial action or administrative proceeding in which the public body, or an officer or employee of the public body is a plaintiff, prosecutor, claimant, or occupies a similar status so long as the action is related to their public duties, responsibilities, or employment;

(ii) the defense, settlement, or tactics of litigation with respect to a pending judicial action or administrative proceeding in which the public body, or an officer or employee of the public body is a defendant, respondent, or occupies a similar status so long as the action is related to or arises out of their public office or employment; or

(iii) the specific terms of settlement of a claim or demand against the public body, or an officer or employee of the public body so long as the action is related to their public office or employment, where the claim or demand does not yet involve a pending judicial action or administrative proceeding but where the claim or demand has been made on the public body and where the public body has good reason to believe that the claim or demand will result in a judicial action or administrative proceeding if not settled. Final approval of a settlement proposal shall occur only at an open meeting. The specific terms of the settlement shall be reported by the public body and recorded in its minutes at that meeting, except that where the settlement is to be paid in whole or part pursuant to policies of insurance, and where disclosure of the terms of the settlement could abrogate the insurance coverage, then disclosure shall be at the discretion of the public body. When a meeting is to be closed pursuant to the provisions of this paragraph, the public body shall announce prior to the time the meeting is closed and record in its minutes the names of all actual or prospective parties, claimants, or litigants

known to members of the public body, and the general nature of the claim, action, or proceeding to be discussed, except that when a public body has not commenced an action and is acting under clause (i) of this paragraph, it shall not be required to announce or record the names of prospective parties or litigants. A public body may not close a meeting in reliance on the attorney-client privilege except as provided in this paragraph. For purposes of this paragraph, "pending judicial action or administrative proceeding" means an action or proceeding that has been commenced. For purposes of this paragraph, "claim" or "demand" does not mean a routine bill or charge submitted to or approved by the public body in the normal course of its business.

(b) To consider matters dealing with specific patients (including but not limited to all aspects of admission, treatment, and discharge; all medical records, reports, and summaries; and all charges, accounts, and credit information pertaining to such a patient). This exception shall not be used where the public body can protect patient identities through action by reference as provided in section 8.

(c) To consider information, when federal statute expressly directs that the information be maintained as not public or makes the not public status of the information a condition of federal aid. Final action on any matter considered at a meeting closed pursuant to this paragraph shall be taken only at an open meeting, and the reasons therefor shall be reported at the meeting. This exception shall not be used where the public body can maintain the necessary confidentiality through action by reference as provided in section 8.

(d) To consider matters involving the admission, discipline, or termination of members of the medical staff of a public hospital. However, final action on admission, discipline, or termination shall be taken only at an open meeting, and the reasons therefor shall be reported at the meeting. This exception shall not be used where the public body can protect the identities of members or potential members of the medical staff through action by reference as provided in section 8.

(e) To consider specific complaints or charges of misconduct involving an employee or staff member of the public body, or of a student within the authority of the public body. This exception may be used only when the public body believes that the complaint or charge, if established, would support disciplinary action against the employee, staff member, or student. However, such a meeting must be open to the public if the employee or staff member who is the subject of the complaint or charge requests it, or, in the case of a student, the student or the student's parent or guardian requests it. Any action by a public body imposing discipline shall be taken only at an open meeting; the factual basis therefor shall be reported at the meeting, and recorded in the minutes of the public body. If the public body after consider-

ing the alleged misconduct brings formal charges against the public employee, staff member, or student, then any hearing held on such charges shall be conducted as an open meeting unless otherwise expressly provided by law.

(f) To consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals, conducted pursuant to chapter 179A. This exception applies only to labor negotiations involving recognized bargaining units for public employees, and does not apply where a person representing or associated with a bargaining unit involved in the negotiations is also present, nor to negotiations with individual employees or potential employees. No final action may be taken at such a meeting.

(g) To investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates, (i) while preparing, approving, administering, or grading examinations; or (ii) while meeting with respect to an individual applicant for or holder of such a license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before a public body.

(h) To consider matters dealing with specific recipients of public welfare. This exception shall not be used where the public body can protect the identities of recipients through action by reference as provided in section 8.

(i) To consider matters relating to a proposed competitive bid to be submitted by the public body to another unit of government. This exception shall not be used where the public body can avoid disclosing the contents of the proposed bid through action by reference as provided in section 8.

(j) To consider matters relating to an enterprise activity conducted by a public hospital, where (a) the enterprise activity is in competition with private businesses or enterprise activities of another public body providing similar goods or services, and (b) disclosure of information pertaining to such matters would in the judgment of the governing body adversely affect the ability of its enterprise activity to compete with such private businesses or other enterprise activities. This paragraph applies only to the governing board of a public hospital, and to components of the governing board.

Subd. 2. [CALLING A CLOSED MEETING.] A public body may hold a closed meeting only upon a motion made and adopted at an open meeting. The motion shall state the general purpose of the closed meeting and shall include specific refer-

ence to one of the exceptions allowing a closed meeting described in section 4.

Subd. 3. [MINUTES OF A CLOSED MEETING.] Notwithstanding other law, the minutes and other records made at a closed meeting may be withheld from public inspection only for so long as public inspection would in the judgment of the public body frustrate the specific purpose of the closed meeting. A written roll shall be made of all members and all other persons present at the closed meeting, which shall be made available to the public immediately following the closed meeting.

Subd. 4. [CLOSED MEETINGS TO BE TAPE-RECORDED.] Every closed meeting shall be tape-recorded in its entirety at the expense of the public body, except for those meetings described in subdivision 1, paragraph (a) of this section involving consultations between the public body and its attorney. The recording shall be preserved for at least two years, except as otherwise provided in this section, and recordings shall be disposed of as follows:

(a) As soon as in the judgment of the public body the reason for holding the closed meeting ceases to exist or is rendered moot, the recording of the meeting shall immediately be made available to the public, except that recordings of meetings described in subdivision 1, paragraph (f) of this section relating to strategy for labor negotiations shall be made available to the public after all labor contracts are signed by the public body for the current budget period. Thirty days after the recording is made public pursuant to this paragraph, it may be destroyed at the discretion of the public body.

(b) Any recording not made public pursuant to paragraph (a) within two years of the date of the closed meeting may be destroyed at the discretion of the public body, unless a court order is obtained that either requires the recording to be made public, or that requires its continued preservation.

(c) If an action is brought claiming that public business not within the scope of the announced purpose for a closed meeting was transacted at the closed meeting, and if the recording of the meeting has not been made public, the court shall review the recording of the meeting in chambers. If the court determines that no violation of this section has occurred, the action shall be dismissed and the recording shall be preserved as provided in this subdivision. If the court determines that there was a violation of this section, the recording may be introduced at trial in its entirety subject to any protective orders as requested by either party and deemed appropriate by the court.

Subdivision 1. If a public body has established a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of its regular meetings, to be kept on file with the secretary, clerk, or similar official of the public body. If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be promptly filed as provided in this subdivision, and shall also provide notice of the revised schedule in accordance with the procedures described in subdivision 2, paragraph (b) of this section.

Subd. 2. [OTHER MEETINGS.] If a public body holds a meeting at any time or place other than a time or place shown on the schedule filed pursuant to subdivision 1 of this section, then prior to the meeting, it shall give public notice of the time and place of that meeting as provided in this subdivision.

(a) If a meeting is an adjourned or recessed session of a regular meeting, or of some other meeting notice of which has been given pursuant to this subdivision, and the time and place of the adjourned or recessed session has been set during the regular or other meeting, and recorded in the minutes of that meeting, then no further notice is necessary. A public body shall not adjourn or recess a meeting in order to evade the spirit and purpose of sections 1 to 15.

(b) For any other meeting, except an emergency meeting, the public body shall cause written notice of the date, time, place, and purpose of the meeting to be posted on the principal bulletin board of the public body, or if the public body has no such bulletin board, at the door of its usual meeting room, and to be mailed or delivered to each person who has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be posted and mailed or delivered at least three days before the time of the meeting. A person filing a request for notice may ask that notice be limited to meetings involving a particular issue, in which case the public body shall not be required to send to that person notice of meetings not involving that issue. As an alternative to mailing or delivering notice to persons who have filed a written request, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of the public body, or if there is none, in a qualified newspaper of general circulation within the area of the public body's authority. Not more than once a year, a public body may require refiling by any person who has previously filed a request for notice pursuant to this paragraph, provided that each time the public body so acts, it must send notice of the refiling requirement to each person who has filed during the last filing period. When a meeting is an adjourned or recessed meeting requiring notice pursuant to paragraph (a), but which is scheduled so as to make notice pursuant to paragraph (b) impossible, then notice shall be given as provided in paragraph (c) for emergency meetings.

(c) *For an emergency meeting, the public body shall make good faith efforts to provide notice of the meeting to each newspaper, wire service, radio station, television station, or other news medium that has filed a written request, which includes the newspaper's, wire service's, station's or other news medium's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by telephone or by the same method used to notify the members of the public body and shall be provided as soon as reasonably possible after notice has been given to the members. An "emergency" meeting is one called because of unexpected and compelling circumstances that in the judgment of the public body requires immediate consideration by the public body. Only business connected with the emergency may be considered at a meeting for which notice is given pursuant to this paragraph.*

Sec. 6. [471A.06] [TIME AND PLACE OF MEETINGS.]

Subdivision 1. All meetings of public bodies other than emergency meetings shall be held at times and places convenient to the public that is served by the public body except as otherwise provided by this section. Unless impossible or unreasonably impractical, all meetings shall be held at places located within the boundaries, or within ten miles of the boundaries, of the area of the public body's authority except as follows: (i) meetings may be held at the principal administrative offices of the public body regardless of their location; (ii) meetings may be held in any public building at the county seat of any county or counties in which the public body is located; (iii) a valid joint meeting between two or more public bodies may be held at any location that would be permissible for one of the public bodies participating in the meeting. The time and place requirements of this section, and the notice requirements for an emergency meeting, may be waived by order of the presiding judge or officer in a pending judicial action or administrative proceeding where the public body is a party to the action.

Subd. 2. [ON-SITE INSPECTIONS.] A public body may conduct physical examinations or inspections of sites away from its normal meeting locations. Where it would be impossible or unreasonably impractical for the public to accompany the members of the public body in such cases, it shall not be necessary for the public body to comply with the requirements of subdivision 1 of this section. However, notice of all such on-site examinations and inspections shall be given as required for other special meetings, unless the examination or inspection occurs promptly following an adjourned or recessed open meeting of the public body at which notice of the proposed examination or inspection has been given, or unless the examination or inspection qualifies as an emergency meeting. Except in the case of an emergency meeting, no action shall be taken by the public body during such examinations or inspections. The public body shall report on any on-site examination or inspection at its next regular meeting.

Sec. 7. [471A.07] [RECORDING OF VOTES.]

If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot, and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed. Votes by any other means shall be conducted so that the vote of each member can readily be determined by persons in attendance. Except for payments of claims and amounts fixed by statute, the vote of each member shall be recorded in the minutes. A public body may not vote by secret ballot.

Sec. 8. [471A.08] [ACTION BY REFERENCE.]

The members of a public body shall make reasonable efforts to see that it is not difficult or impossible for persons attending a meeting of the public body to generally follow what is being deliberated, voted, or acted upon. However, a public body may act by reference to a letter, number, or other designation, device, or method in order to protect from disclosure data which is specifically classified by statute as not public, but only to the extent necessary to protect the data. This section does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda sufficiently worded to enable the public to generally follow what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.

Sec. 9. [471A.09] [COPY OF WRITTEN OR PRINTED MATERIALS.]

In any meeting that must be open to the public, at least one copy of any written or printed materials relating to the agenda items of the meeting which are prepared or distributed by or at the direction of the public body or its employees and which are:

(a) distributed at the meeting to all members of the public body;

(b) distributed before the meeting to all members; or

(c) available in the meeting room to all members; shall be available and accessible in the meeting room for inspection by the public. The materials shall be available and accessible to the public while the public body considers their subject matter. If a member of the news media is at the meeting, at least one copy of the materials must be designated for media use, and at least one additional copy must be designated for use by other persons. This section does not apply to data classified by statutes as not

public as defined in chapter 13, or to materials relating to the agenda items of a properly closed meeting.

Sec. 10. [471A.10] [ELECTRONIC MEETINGS.]

If a public body holds a meeting by the use of a conference telephone or other electronic method, it shall provide a location and means by which members of the public may listen to the meeting, and where such a meeting includes visual media, means by which members of the public may observe the meeting. Notice of the meeting shall be provided as required by section 5, and it shall specify that location, as well as the electronic method to be used. Nothing in sections 1 to 15 shall be construed to provide separate authority to conduct such electronic meetings.

Sec. 11. [471A.11] [RECORDING AND BROADCASTING OF MEETINGS.]

Any person, and any radio station, television station, or similar medium is entitled to photograph, film, record, reproduce, or broadcast all or any part of a meeting required to be open. A public body may adopt reasonable regulations to govern such activities, consistent with the requirement that such activities are permitted.

Sec. 12. [471A.12] [PUBLIC BODIES TO WHICH THE OPEN MEETING LAW DOES NOT APPLY.]

The provisions of sections 1 to 15 do not apply to:

- (a) the state legislature;*
- (b) the judiciary;*
- (c) grand and petit juries;*
- (d) the board of pardons.*

Sec. 13. [471A.13] [ENFORCEMENT; PENALTIES.]

Subdivision 1. [ACTIONS.] Any person may bring an action in a court of competent jurisdiction in the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of sections 1 to 15, or to determine the applicability of any of the provisions of sections 1 to 15 to matters or decisions of a public body. Such a person need not allege or prove special damages different from that suffered by the public at large.

Subd. 2. [ACTIONS.] The court shall have jurisdiction to enter injunctions to enjoin threatened violations, the recurrence

of past violations, or continuing violations of sections 1 to 15. It shall not be a defense to such an action that there is an adequate remedy at law. The court may order such other equitable relief as it deems appropriate in the circumstances except that no action of a public body may be invalidated under this subdivision.

Subd. 3. [CIVIL FINES.] *If the court finds that a violation of sections 1 to 15 has occurred that was deliberate, knowing, or unreasonable in the circumstances, the court shall assess a civil fine against any member of the public body who participated in the violation. The civil fine shall not exceed \$100 for the first violation and \$200 for each subsequent violation by the same person. This fine shall be a personal liability of the member committing the violation, and it shall not be paid or reimbursed by the public body. No fine shall be assessed pursuant to this subdivision against any person not a member of a public body, nor against any member of a public body for the actions of a person who is not a member of the public body except where the member has directed or participated in the violation.*

Subd. 4. [FORFEITURE OF OFFICE.] *Where the same person is fined for a third time as the result of violations of sections 1 to 15 involving the same public body, that person shall forfeit any further right to serve on the public body or in any other capacity with the public body for a period of time equal to the term of office that the person was then serving. The court shall issue an order declaring the position vacant and notifying the appointing authority or clerk of the public body. As soon as practicable thereafter the appointing authority or the public body shall fill the position as in the case of any other vacancy.*

Subd. 5. [ATTORNEY'S FEES AND COSTS.] *In any action brought under this section, the court may order payment to a prevailing plaintiff of reasonable attorney's fees, costs, and disbursements that are incurred at trial or on appeal if the court concludes that the actions of the public body or its members are or were deliberate, knowing, or unreasonable in the circumstances, to be paid by the public body that is the subject of the action, or of which a person who is the subject of the action is a member. If the court finds that an action is frivolous and without merit, it may order payment to a prevailing defendant of reasonable attorney's fees, costs, and disbursements.*

Sec. 14. [471A.14] [INTERPRETATION AND APPLICATION.]

Subdivision 1. [SUPERSEDES OTHER LAWS.] *The provisions of sections 1 to 15 shall supersede and take precedence over the provisions of all general laws except chapter 13, city charters, and local acts in effect as of August 1, 1985, that are in conflict with the provisions of sections 1 to 15. No law except a law amending chapter 13 that is enacted or takes effect on or after August 1, 1985, may be construed to modify, amend, or*

repeal any provision of sections 1 to 15 unless it expressly so provides. Sections 1 to 15 shall take precedence over all city charters and local acts enacted or taking effect on or after August 1, 1985.

Subd. 2. [RELATION TO DATA PRACTICES ACT.] Members of a public body, as well as staff persons, employees, agents, and attorneys of a public body appearing in their official capacity with or before a public body, may at their discretion disclose at a public meeting data that is made not public by section 13.43, as amended, if the data disclosed relates to a matter before the public body and so long as the data pertains to a person who occupies or would occupy (1) the chief staff executive position of a public body; or (2) a position that reports directly to the chief staff executive and that involves significant discretion and substantial participation in the development or implementation of policy for the public body. No action shall be maintained nor liability imposed for the disclosure of not public data pursuant to this subdivision. Nothing in this section shall require the disclosure of data that is not public.

Sec. 15. [471A.15] [CITATION.]

Sections 1 to 15 may be cited as the "Minnesota Open Meeting Law."

Sec. 16. [REPEALER.]

Minnesota Statutes 1984, section 471.705, is repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective January 1, 1986, except that section 14, subdivision 2, is effective August 1, 1985."

Delete the title and insert:

"A bill for an act relating to state and local government; providing procedures for the conduct of meetings by public bodies; proposing coding for new law as Minnesota Statutes, chapter 471A; repealing Minnesota Statutes 1984, section 471.705."

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

The report was adopted.

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

H. F. No. 552, A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; proposing

coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

Reported the same back with the following amendments:

Page 4, line 14, delete "12" and insert "21"

Page 15, line 7, delete "*in any form*" and insert "*on an individual or nongroup basis*"

Page 15, line 33, delete everything after the period

Page 15, delete lines 34 to 36

Page 16, delete line 1

Page 16, delete lines 33 to 36

Page 17, delete lines 1 to 3, and insert:

"Except as provided in chapter 256B, the money or other benefits, charity, relief, or aid to be paid, provided, or rendered by any society authorized to do business under this chapter shall, neither before nor after being paid, be liable to attachment, garnishment, or other process and shall not be ceased, taken, appropriated, or applied by any legal or equitable process or operation of laws to pay any debt or liability of a certificate holder or of any beneficiary named in the certificate, or of any person who may have any right thereunder."

Page 19, line 26, delete "261.27;"

Page 22, line 7, delete "61A.42, 61A.43, and"

Page 22, delete lines 11 to 15, and insert:

"Fraternal benefit societies are declared to be charitable institutions, and the property held and used for lodge purposes, and the funds of these societies shall be exempt from taxation under the general tax or revenue laws of this state, except that the real estate of the society shall be taxable."

Page 25, lines 29 and 30, delete "[INJUNCTION; LIQUIDATION; RECEIVERSHIP OF DOMESTIC SOCIETY.]" and insert "[DOMESTIC ASSOCIATIONS; EXAMINATION; REHABILITATION; DISSOLUTION.]"

Page 25, delete lines 31 to 36

Page 26, delete lines 1 to 36

Page 27, delete lines 1 to 19, and insert:

"Subdivision 1. [VISITATION AND EXAMINATION.] The commissioner, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society. The commissioner shall conduct an examination at least once in every three years. He may:

(1) employ assistance for the purposes of examination and he, or any person he may appoint, shall have free access to any books, papers, and documents that relate to the business of the association; and

(2) summon and qualify as witnesses, under oath, and examine its officers, agents, and employees, or other persons, in relation to the affairs, transactions, and condition of the association.

Subd. 2. [CONDITIONS.] Wherever the commissioner is satisfied that any of the conditions exist as stated in chapter 60B, he may proceed as provided therein."

Page 30, line 7, delete "\$5,000" and insert "\$10,000"

Page 34, after line 1, insert:

"Sec. 40. Minnesota Statutes 1984, section 61B.02, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] Sections 61B.01 to 61B.16 apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies or annuity contracts, issued by persons authorized at any time to transact insurance in this state. Sections 61B.01 to 61B.16 do not apply to:

(a) Any policy or contract or part thereof under which the risk is borne by the policyholder;

(b) Any policy or contract or part thereof assumed by an impaired insurer under a contract of reinsurance other than reinsurance for which assumption certificates have been issued;

(c) Any policy or contract issued by an assessment benefit association operating under chapter 63, or a fraternal (BENEFICIARY ASSOCIATION) benefit society operating under chapter (64A) 64B;

(d) Any subscriber contract issued by a nonprofit health service plan corporation operating under chapter 62C; or

(e) Any health insurance policies issued by a person other than a person authorized to write life insurance in this state or

other than a person whose corporate charter would permit the writing of life insurance but who is authorized to write only health insurance in this state.

Sec. 41. [INSTRUCTIONS TO REVISOR.]

The revisor of statutes is directed to change any reference to chapter 64A to chapter 64B in Minnesota Statutes 1986 and any subsequent editions, and to make any necessary cross reference changes consistent with the renumbering."

Page 34, line 2, delete "40" and insert "42"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "amending Minnesota Statutes 1984, section 61B.02, subdivision 1;"

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. 589, A bill for an act relating to drivers licenses; increasing fee for restoration of certain revoked licenses; dedicating revenue to programs for prevention of alcohol-impaired driving and for education on avoidable health hazards; appropriating money; amending Minnesota Statutes 1984, section 171.29, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 171.29, subdivision 2, is amended to read:

Subd. 2. (ANY) (a) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated.

(b) A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a (\$100) \$150 fee before his drivers license is reinstated; 75 percent of this fee shall be credited to the trunk highway fund and 25 percent shall be credited to the general fund.

(c) The amount credited to the general fund under paragraph (b) shall be set aside and credited to a separate account to be known as the alcohol safety program account. Funds in this account are annually appropriated as follows:

(1) 50 percent to the commissioner of public safety for distribution as grants to provide for the establishment and operation of programs for the prevention of alcohol-impaired driving. These grants shall be administered in the same manner as and in coordination with highway safety grants made by the state under United States Code, title 23, section 402, and the annual Minnesota highway safety plan pursuant to section 4.075; and

(2) 50 percent to the commissioner of education for grants to school districts for the development of curriculum relating to, and the dissemination of programs for education in elementary and secondary schools on, avoidable health risks, with particular emphasis on risks related to alcohol and young drivers. The state board of education shall adopt rules for the distribution of grants under this clause.

Not more than five percent of the funds appropriated is to be expended for administrative costs of carrying out the purposes of this paragraph. Agencies receiving grants may not use more than five percent for administrative costs.

(d) None of the fees imposed and allocated under this subdivision shall pay for additional infrared breath-testing instruments, as defined in section 169.123, subdivision 2b, after June 30, 1985.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

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

The report was adopted.

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

H. F. No. 593, A bill for an act relating to motor vehicles; regulating motor vehicle auctions; prescribing licensing and bonding requirements for motor vehicle dealers; amending Minnesota Statutes 1984, section 168.27, subdivisions 7, 11, 12, and 24.

Reported the same back with the following amendments:

Pages 1 to 3, delete section 1

Page 3, line 18, delete "(14),"

Page 5, line 3, delete the second "to" and insert ", (13), and"

Page 5, line 5, delete "No" and insert "A"

Page 5, line 6, before the period insert "*within 30 days following the suspension or revocation pursuant to clause (12), (13), or (15), if a hearing is requested by the licensee*"

Page 5, after line 27, insert:

"Sec. 4. Minnesota Statutes 1984, section 168A.02, subdivision 2, is amended to read:

Subd. 2. The department shall not register or renew the registration of a vehicle for which a certificate of title is required, (EXCEPT IN THE NAME OF A DEALER,) unless a certificate of title has been issued to the owner or an application therefor has been delivered to and approved by the department."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to motor vehicles; prohibiting issuance of a motor vehicle dealer license to a person convicted of certain crimes; authorizing immediate revocation or suspension of motor vehicle dealer licenses upon conviction; removing an exception allowing a motor vehicle dealer to register a vehicle without a certificate of title; amending Minnesota Statutes 1984, sections 168.27, subdivisions 11, 12, and 24; and 168A.02, subdivision 2."

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. 630, A bill for an act relating to transportation; motor carriers; establishing a gross vehicle weight limitation for state trunk highways; requiring a local plan to upgrade market arteries; providing that 12 citizens may challenge a seasonal weight restriction imposed by the commissioner; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; 169.825, subdivision 10; 169.86, subdivisions 1a, 2, and by add-

ing a subdivision; and 169.87, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on truck-tractor and semitrailer combinations except those defined as farm combinations and urban combinations and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS		TAX
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35
E	6,001 - 9,000	45
F	9,001 - 12,000	70
G	12,001 - 15,000	105
H	15,001 - 18,000	145
I	18,001 - 21,000	190
J	21,001 - 26,000	270
K	26,001 - 33,000	360
L	33,001 - 39,000	470

M	39,001 - 45,000	590
N	45,001 - 51,000	710
O	51,001 - 57,000	860
P	57,001 - 63,000	1010
Q	63,001 - 69,000	1180
R	69,001 - 73,280	1320
S	73,281 - 78,000	(1520) 1595
T	78,001 - 81,000	(1620) 1760

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of (\$50) \$110 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm and urban truck-tractors and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to the gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one-year period or \$50 for a five-year period whichever the applicant elects.

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is

guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to re-register the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be:

(a) for the 1982 registration year, 35 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the 1983 registration year, 40 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the 1984 registration year, 45 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the 1985 registration year, and each succeeding year, 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be:

(a) for the registration year 1982, 83 percent of the tax imposed in the Minnesota base rate schedule;

(b) for the registration year 1983, 89 percent of the tax imposed in the Minnesota base rate schedule;

(c) for the registration year 1984, 95 percent of the tax imposed in the Minnesota base rate schedule;

(d) for the registration year 1985, and each succeeding year, 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 2. Minnesota Statutes 1984, section 169.81, subdivision 2, is amended to read:

Subd. 2. [LENGTH OF VEHICLES.] (a) No single unit motor vehicle, except truck cranes which may not exceed 45 feet, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer, *unladen or with load*, may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except as provided in paragraph (d). No single trailer, *unladen or with load*, may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination, *unladen or with load*, may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, and further exclusive of the tow bar assembly, in excess of 28-1/2 feet. The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, *whether unladen or with load*, except that the commissioner may renew a permit that was granted before April 16, 1984 for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

(d) The commissioner may issue an annual permit for a semitrailer in excess of 48 feet in length, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet and if a combination of vehicles, which includes a semitrailer in excess of 48 feet for which a

permit has been issued under this paragraph, does not exceed an overall length of 65 feet, *unladen or with load*. The annual fee for a permit issued under this paragraph is \$36.

Sec. 3. Minnesota Statutes 1984, section 169.825, is amended by adding a subdivision to read:

Subd. 3a. [TANDEM AXLES.] "Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart.

Sec. 4. Minnesota Statutes 1984, section 169.825, subdivision 8, is amended to read:

Subd. 8. [PNEUMATIC-TIRED VEHICLES.] No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(a) Where the gross weight on any wheel exceeds 9,000 pounds, except that on designated *local routes and state trunk highways* the gross weight on any single wheel shall not exceed 10,000 pounds;

(b) Where the gross weight on any single axle exceeds 18,000 pounds, except that on designated *local routes and state trunk highways* the gross weight on any single axle shall not exceed 20,000 pounds;

(c) Where the maximum wheel load exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less;

(d) Where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 37,000 pounds where the first and third axles of the tridem are spaced seven feet apart; 38,500 pounds where the first and third axles of the tridem are spaced eight feet apart; and 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart.

(e) Where the gross weight on any group of axles exceeds the weights permitted under this section with any or all of the interior axles disregarded and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 5. Minnesota Statutes 1984, section 169.825, subdivision 10, is amended to read:

Subd. 10. [GROSS WEIGHT SCHEDULE.] (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Distances in feet between centers of fore- most and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehicle or any com- bination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
	((35,000))		
6	34,000		
	((36,000))		
7	34,000	41,500	
	((37,000))		
8	34,000	42,000	
	((38,000))		
9	35,000	43,000	
	(39,000)		
10	36,000	43,500	49,000

(40,000)

11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000
34			65,000

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35		65,500
36		66,000
37		67,000
38		67,500
39		68,000
40		69,000
41		69,500
42		70,000
43		71,000
44		71,500
45		72,000
46		72,500
47		(73,500)
48		(74,000)
49		(74,500)
50		(75,500)
51		(76,000)

Maximum gross weight in pounds on a group of

	5	6	7
Distances in feet between centers of fore- most and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any com- bination of vehicles having a total of 5 or more axles	consecutive axles of a combination of vehicles having a total of 6 or more axles	consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		

16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	
39	72,500	77,500	
40	73,000	78,000	

41	(74,000) (74,000)	79,000
42	(74,500) (74,500)	79,500
43	(75,000) (75,000)	80,000
44	(75,500) (75,500)	
45	(76,500) (76,500)	
46	(77,000) (77,000)	
47	(77,500) (77,500)	
48	(78,000) (78,000)	
49	(79,000) (79,000)	
50	(79,500) (79,500)	
51	(80,000) (80,000)	

The gross weights shown in parentheses in this clause are permitted only on *state trunk highways* and routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in clause (c), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(c) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed (THE FOLLOWING):

(1) 80,000 pounds for *any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 2, and for all routes designated under section 169.832, subdivision 11; and*

(2) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, *other than state trunk highways and routes that are not designated under section 169.832, subdivision 11; and*

(3) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, *other than state trunk high-*

ways and routes that are not designated under section 169.832, subdivision 11 (;).

(d) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a combination of vehicles that includes a three axle semi-trailer first registered before August 1, 1981. All other weight limitations in this section are applicable (;).

(e) The maximum weights specified in this subdivision for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this subdivision.

Sec. 6. Minnesota Statutes 1984, section 169.825, subdivision 11, is amended to read:

Subd. 11. [GROSS WEIGHT SEASONAL INCREASES.]

(a) The limitations provided in this section are increased:

(1) by ten percent from January 1 to March 7 each winter, statewide;

(2) by ten percent from December 1 through December 31 each winter in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a south-westerly direction along the north shore of Lake Superior along Trunk Highway No. 61 to the junction with Trunk Highway No. 210; thence westerly along Trunk Highway No. 210 to the junction with Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 (TO THE JUNCTION WITH TRUNK HIGHWAY NO. 59; THENCE NORTHERLY ALONG TRUNK HIGHWAY NO. 59 TO THE JUNCTION WITH TRUNK HIGHWAY NO. 2; THENCE WESTERLY ALONG TRUNK HIGHWAY NO. 2 TO THE JUNCTION WITH TRUNK HIGHWAY NO. 32; THENCE NORTHERLY ALONG TRUNK HIGHWAY NO. 32 TO THE JUNCTION WITH TRUNK HIGHWAY NO. 11; THENCE NORTHEAST ALONG TRUNK HIGHWAY NO. 11 TO THE EAST LINE OF RANGE 43W) to the Minnesota-North Dakota Border; thence northerly along the Border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

(3) by ten percent from October 1 through November 30 each year for the movement of sugar beets and potatoes from the field of harvest to the point of first unloading.

(b) The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions, or March 7.

(c) When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in subdivision 10, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

(d) In cases where gross weights in an amount less than that set forth in this section are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in this section.

(e) Notwithstanding any other provision of this subdivision, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on *local and county* routes which have not been designated by the commissioner under section 169.832, subdivision 11.

Sec. 7. Minnesota Statutes 1984, section 169.833, is amended to read:

169.833 [(ADDITION OF TRUNK HIGHWAYS TO) DESIGNATED ROUTE SYSTEM; PRIORITY LIST.]

Subdivision 1. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway (ROUTES TO BE ADDED TO THE SYSTEM OF ROUTES DESIGNATED UNDER SECTION 169.832) *improvements to eliminate or reduce prohibitions and restrictions placed on trunk highways under section 169.87.* The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries and local authorities in developing the list. (A ROUTE SHALL BE ADDED TO THE DESIGNATED ROUTE SYSTEM AFTER COMPLETION OF ROAD IMPROVEMENTS THAT PROVIDE ROAD STRENGTH ADEQUATE TO CARRY THE PERMISSIBLE WEIGHTS UNDER SECTION 169.825 OR WHEN THE COMMISSIONER OTHERWISE DETERMINES THAT DESIGNATION OF A ROUTE IS REASONABLE) *In developing the list the commissioner shall give highest priority to improvements which will eliminate prohibitions or restrictions which interrupt year-round full service on market arteries.*

Subd. 2. [FUNDING (OF ADDITIONS TO THE SYSTEM).] On July 1 of each year the commissioner of finance shall certify to the commissioner the estimated (INCREASE IN) revenue to the trunk highway fund resulting from (THE INCREASE IN THE) gasoline and special fuel excise (TAX) *taxes under section 296.02 which are in excess of 13 cents per gallon.* The commissioner shall expend (15) 20 percent of the (INCREASE IN REVENUE TO THE TRUNK HIGHWAY FUND RESULTING FROM THE INCREASE IN THE GASOLINE AND SPECIAL FUEL EXCISE TAX UNDER SECTION 296.02 AND 15 PER-

CENT OF FUTURE INCREASES IN GASOLINE AND SPECIAL FUEL EXCISE TAX REVENUES TO THE TRUNK HIGHWAY FUND) *amount so certified* for the (PURPOSES) *purpose of highway improvements under* subdivision 1. In the event that actual expenditures during any fiscal year are less or greater than (15) 20 percent when compared to actual revenue the commissioner shall adjust his expenditures for the purpose of subdivision 1 for the following years in order to achieve compliance with this subdivision.

Sec. 8. Minnesota Statutes 1984, section 169.86, subdivision 1a, is amended to read:

Subd. 1a. [SEASONAL PERMITS FOR CERTAIN HAULERS.] The commissioner of transportation (, UPON APPLICATION IN WRITING THEREFOR,) may issue special permits annually to any hauler authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in section 169.825, *but not exceeding 88,000 pounds gross vehicle weight*, on interstate highways during the times and within the zones specified in section 169.825.

Sec. 9. Minnesota Statutes 1984, section 169.86, is amended by adding a subdivision to read:

Subd. 1b. [SPECIAL PERMITS.] *The commissioner of transportation may issue a permit authorizing a hauler during the times and under the conditions specified by the commissioner to move a vehicle or combination of vehicles with a gross vehicle weight not exceeding 88,000 pounds on state trunk highways, if the vehicle or combination of vehicles has six or more axles, all wheels are equipped with brakes, and either (1) the vehicle has ten tires of equal load-bearing capacity per tridem, or (2) the maximum wheel load does not exceed 500 pounds per inch of tire width, but in no event exceeding the manufacturer's recommended load for the tire used. The maximum gross weight on a group of consecutive axles shall not exceed the limits set in section 169.825, subdivision 10, for any combination of five or fewer axles. The seasonal increases allowed under section 169.825, subdivision 11, do not apply to vehicles operating under a permit issued under this subdivision. The commissioner shall not issue permits under this subdivision if their issuance will result in a loss of federal highway funding to the state.*

Before the permit is issued, the applicant must present to the commissioner an inspection report issued by the department of public safety for each vehicle or combination of vehicles. The inspection report must certify that at the time of inspection each loaded vehicle properly distributed the weight as prescribed in section 169.825. The inspection report must also certify that at the time of inspection each vehicle complied with federal bureau of motor carrier safety standards. At the time of inspection,

each vehicle or combination of vehicles must be loaded to the requested permitted weight. The commissioner shall issue at no charge a temporary permit to authorize transportation to and from the point of inspection.

Each vehicle certified for compliance must display an identifying sticker as prescribed by the commissioner. The inspection report will expire 12 months after the date of inspection. The permit and a copy of the inspection report must be carried with each vehicle or combination of vehicles operating under a permit issued under this subdivision and must be displayed on request of any officer empowered to enforce this section.

The applicant must pay to the commissioner a permit fee of \$200 and an inspection fee of \$50 for each vehicle or combination of vehicles that will be operated under the permit. The permit and inspection fees shall be deposited in the state treasury and credited to the trunk highway fund.

Sec. 10. Minnesota Statutes 1984, section 169.86, subdivision 2, is amended to read:

Subd. 2. [REQUIRED INFORMATION.] The application for (ANY SUCH) a permit shall specifically describe *in writing* the vehicle or vehicles and loads to be moved and the particular highways (FOR WHICH PERMIT TO SO USE IS REQUESTED,) and (THE) period of time for which (SUCH) a permit is requested.

Sec. 11. Minnesota Statutes 1984, section 169.87, subdivision 1, is amended to read:

Subdivision 1. [(OPTIONAL POWER) SEASONAL LOAD RESTRICTION.] Local authorities, with respect to highways under their jurisdiction, may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained.

Municipalities, with respect to highways under their jurisdiction, may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the

weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and, *except as provided in this subdivision*, such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action.

(WHEN A LOCAL AUTHORITY PETITIONS THE COMMISSIONER TO ESTABLISH A TRUCK ROUTE FOR TRAVEL INTO, THROUGH, OR OUT OF THE TERRITORY UNDER ITS JURISDICTION, THE COMMISSIONER SHALL INVESTIGATE THE MATTER. IF THE COMMISSIONER DETERMINES FROM HIS INVESTIGATION THAT THE OPERATION OF TRUCKS INTO, THROUGH, OR OUT OF THE TERRITORY INVOLVES UNUSUAL HAZARDS BECAUSE OF ANY OR ALL OF THE FOLLOWING FACTORS: LOAD CARRIED, TYPE OF TRUCK USED, OR TOPOGRAPHIC OR WEATHER CONDITIONS, THE COMMISSIONER MAY MAKE HIS ORDER DESIGNATING CERTAIN HIGHWAYS UNDER HIS JURISDICTION AS TRUCK ROUTES INTO, THROUGH, OR OUT OF SUCH TERRITORY. WHEN THESE HIGHWAYS HAVE BEEN MARKED AS TRUCK ROUTES PURSUANT TO THE ORDER, TRUCKS TRAVELING INTO, THROUGH, OR OUT OF THE TERRITORY SHALL COMPLY WITH THE ORDER.) *The commissioner shall propose the prohibitions and restrictions and publish them in the qualified legal newspaper of each affected county by November 1 of each year. The commissioner shall, within ten days of the publication, notify the county auditor of each affected county, by mail, of the proposed prohibitions and restrictions. The commissioner may impose restrictions that are not proposed by November 1 only in cases of unanticipated road damage so severe as to warrant immediate emergency action. Emergency road restrictions are not subject to the hearing requirement.*

A proposed prohibition or restriction may not be posted and does not become effective unless the commissioner holds a public hearing if a hearing is requested by the county board of one or more counties in which the proposed prohibition or restriction is effective. Notice of the hearing must be published in the qualified legal newspaper of the county. The commissioner or his designee shall hold a public hearing in the affected county and shall determine whether the adverse economic impact of the prohibition or restriction on the affected communities is so severe that the prohibition or restriction must be modified or suspended. If more than one county board requests a hearing on a single proposed prohibition or restriction the commissioner may hold one consolidated hearing on the proposal.

A county board may request a hearing only if it determines that the proposed prohibition or restriction would adversely affect one or more communities in the county by denying it all access to unrestricted routes.

Sec. 12. Minnesota Statutes 1984, section 169.87, is amended by adding a subdivision to read:

Subd. 1a. [TRUCK ROUTES.] When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. The commissioner may designate by order certain highways under the commissioner's jurisdiction as truck routes into, through, or out of a territory if the commissioner determines from investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors: load carried, type of truck used, or topographic or weather conditions. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order.

Sec. 13. Minnesota Statutes 1984, section 297B.09, subdivision 2, is amended to read:

Subd. 2. [HIGHWAY USER TAX DISTRIBUTION FUND AND TRANSIT ASSISTANCE FUND SHARE.] The proceeds collected under this chapter must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment in the following manner:

(a) None of the proceeds collected before July 1, 1984, may be credited to either fund.

(b) 18.75 percent of the proceeds collected after June 30, 1984, and before July 1, (1987) 1986, must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 6.25 percent of the proceeds must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state.

(c) 37.5 percent of the proceeds collected after June 30, (1987) 1986, and before July 1, (1989) 1988, must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 12.5 percent of the proceeds must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state.

(d) 56.25 percent of the proceeds collected after June 30, (1989) 1988, and before July 1, (1991) 1990, must be credited to

the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 18.75 percent of the proceeds must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state.

(e) 75 percent of the proceeds collected after June 30, (1991) 1990, must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the proceeds must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state.

Sec. 14. [MARKET ARTERIES REPORTS; TEN-YEAR PLAN.]

Subdivision 1. [IDENTIFICATION.] Each district office of the department of transportation shall submit to the commissioner, by December 31, 1985, a report identifying those trunk highways in each district which are market arteries. Each district office must hold at least one public hearing on market arteries as part of the preparation of the report.

To be classified as a market artery a trunk highway must provide an essential connection between farm and market or between point of manufacture or production and market, or connect these locations with other transportation modes.

Subd. 2. [PLAN; LEGISLATIVE REPORT.] The commissioner of transportation shall, on the basis of the district reports, develop a plan which identifies market arteries and provides for their upgrading over a ten-year period, taking into consideration shippers' needs, community views, road conditions, and the plans of the districts. The plan must, for each identified market artery, describe its current market functions, its current level of service provided, the amount, if any, needed to upgrade it to year-round full-service status, and a schedule for that improvement given differing levels of available funding.

The initial draft of the plan must be completed by June 30, 1986. On that date and at least once every six months thereafter the commissioner shall report to the chairs of the committees on transportation for the senate and the house of representatives on the status of the plan and its implementation. The plan is not subject to the provisions of the administrative procedure act.

Sec. 15. [EFFECTIVE DATE.]

Section 13 is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to transportation; motor carriers; increasing certain vehicle gross weight registration taxes; prescribing length and weight restrictions; revising gross weight vehicle zone; providing for ten percent overweight movement of potatoes and sugar beets; allocating funds to certain highway improvements; prescribing requirements for special permits for certain overweight vehicles; providing that counties may challenge seasonal weight restrictions imposed by commissioner; accelerating distribution of motor vehicle excise tax revenue; requiring plan to upgrade market arteries and a report to the legislature; prescribing a fee; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 169.81, subdivision 2; 169.825, subdivisions 8, 10, 11, and by adding a subdivision; 169.833; 169.86, subdivisions 1a, 2, and by adding a subdivision; 169.87, subdivision 1, and by adding a subdivision; and 297B.09, subdivision 2."

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

The report was adopted.

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

H. F. No. 655, A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivision 4; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

Reported the same back with the following amendments:

Page 2, line 14, after "*misdemeanor*" insert "*punishable by a term of imprisonment of more than 90 days*"

Page 2, after line 20, insert:

"Sec. 4. Minnesota Statutes 1984, section 144A.04, subdivision 6, is amended to read:

Subd. 6. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous two year period:

(a) During which time of employment that other nursing home incurred the following number of uncorrected violations

which were in the jurisdiction and control of the managerial employee or the administrator:

(1) two or more uncorrected violations *or one or more repeated violations* which created an imminent risk to direct resident care or safety; or

(2) (FIVE) *four* or more uncorrected violations *or two or more repeated violations* of any nature for which the fines are in the (TWO) *four* highest daily fine categories prescribed in rule; or

(b) who was convicted of a felony *or gross misdemeanor punishable by a term of imprisonment of more than 90 days* that relates to operation of the nursing home or directly affects resident safety or care, during that period."

Page 3, line 21, after "days" insert "*of notification*"

Page 3, line 24, delete "[CORRECTION ORDERS.]" and insert "[SUSPENSION OF ADMISSIONS.]"

Page 3, line 25, after "a" delete "*correction order*" and insert "*penalty assessment or if the nursing home has a repeated violation*"

Page 3, line 25, after "of" insert "*that portion of*"

Page 3, line 26, before the comma insert "*, subpart 2, establishing minimum nursing personnel requirements*"

Page 3, line 28, after the period insert "*A nursing home shall notify the commissioner of health in writing when the violation is corrected. The facility shall be reinspected within three working days after the receipt of the notification.*"

Page 3, after line 30, insert:

"Subd. 10. [REPORTING TO A MEDICAL EXAMINER OR CORONER.] *Whenever a duly authorized representative of the commissioner of health has reasonable cause to believe that a resident has died as a direct or indirect result of abuse or neglect, he shall report that information to the appropriate medical examiner or coroner and police department or county sheriff. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and to the commissioner of health.*"

Page 3, delete lines 31 to 36

Page 4, delete line 1

Page 4, line 5, after "*days*" insert "*of notification*"

Page 4, line 22, after "*misdemeanor*" insert "*punishable by a term of imprisonment of more than 90 days*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "subdivision 4" and insert "subdivisions 4 and 6"

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. 723, A bill for an act relating to transportation; authorizing designation of minimum-maintenance roads by resolution of local road authorities; exempting road authorities from liability for damages arising from reduced maintenance standards on minimum-maintenance roads; providing penalties; amending Minnesota Statutes 1984, sections 160.01, subdivision 1; 160.02, subdivisions 7 and 9; 160.04; 160.07; 160.09; 160.10, subdivisions 1, 2, and 8; 160.11, subdivision 2; 160.13; 160.16, by adding a subdivision; 160.17; 160.18, subdivision 3; 160.20; 160.201, subdivision 1; 160.21; 160.215; 160.22, subdivision 1; 160.23; 160.24; 160.25, subdivisions 1 and 3; 160.26; 160.27; 160.29, subdivision 1; 160.292, subdivisions 5 and 9; 161.16, subdivisions 1, 4, and 5; 161.18; 161.19; 161.202, subdivision 1; 161.24; 161.25; 162.02, subdivisions 6, 7, and 10; 162.08, subdivisions 3 and 4; 162.081, subdivision 4; 162.09, subdivisions 8 and 9; 163.02; 163.03; 163.035; 163.04, subdivisions 1 and 2; 163.11; 163.111; 163.13, subdivision 1; 163.14; 163.16; 164.02; 164.03, subdivisions 1, 2, and 4; 164.04; 164.041; 164.05, subdivisions 1 and 2; 164.06; 164.07; 164.08, subdivision 2; 164.09, subdivision 1; 164.11; 164.12; 164.13, subdivision 1; 164.14; 164.15; 164.151; and 164.155; 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, subdivision 7, is amended to read:

Subd. 7. [ROAD OR HIGHWAY.] "Road" or "highway" includes, unless otherwise specified, the several kinds of high-

ways as defined in this section, including roads designated as minimum maintenance roads, and also cartways, together with all bridges or other structures thereon which form a part of the same.

Sec. 2. [160.092] [MINIMUM-MAINTENANCE ROADS.]

Subdivision 1. [DESIGNATION BY RESOLUTION.] Despite other law or rule to the contrary, a road authority, other than the commissioner, may by resolution designate a highway, street, or road under its jurisdiction other than a county state-aid highway or municipal state-aid street, as a minimum-maintenance road if it determines that it is used only occasionally or intermittently for passenger and commercial vehicular travel. A minimum-maintenance road may be maintained at a level less than the minimum-maintenance standards required for state-aid highways, roads, and streets, but must meet only that level required to service the occasional or intermittent traffic. The resolution must identify the beginning and end points of the road, street, or highway being designated. After adopting the resolution the road authority must post signs at entry points to and at regular intervals along a minimum-maintenance road notifying and warning the motoring public that the designated segment is a minimum-maintenance road and that the public travels on the road at its own risk.

Subd. 2. [COUNTIES; NOTICE.] Before adopting a resolution under subdivision 1, a county board of commissioners must publish a notice of intent to adopt such an ordinance, in a newspaper of general circulation in the county, at least one week before the resolution is adopted. No such resolution may be adopted by a county board of commissioners without at least one public hearing being held on the ordinance.

Subd. 3. [TOWNS; AUTHORIZATION.] A town board may not adopt a resolution under subdivision 1 unless it has been given general authorization to adopt a resolution designating minimum-maintenance roads, at the most recent annual town meeting, or at a special meeting held subsequent to the most recent annual town meeting.

Subd. 4. [SIGNS.] Designation of a minimum-maintenance road is effective on the erection of the signs required under this section. Signs posted under subdivision 1 must conform to the commissioner's manual of uniform traffic devices. Signs so posted are prima facie evidence that adequate notice of a minimum-maintenance has been given to the motoring public. Designation of a minimum-maintenance road is effective on the erection of the sign.

Subd. 5. [SHARED JURISDICTION.] When a designated minimum-maintenance road is on or partly on a county or town line, the designation applies only to that part of the road or high-

way which is under the jurisdiction of the road authority adopting the designating resolution, who shall notify the road authority of the adjoining jurisdiction of its action.

Subd. 6. [LIABILITY.] The road authority having jurisdiction over a road on which a minimum-maintenance designation is effective, and the officers and employees of the road authority, are exempt from liability for any claim by any person arising from travel on the minimum-maintenance road and related to its maintenance or condition. Nothing in this section excepts a road authority from its duty to maintain bridges under chapter 165 or other applicable law.

Sec. 3. Minnesota Statutes 1984, section 169.06, subdivision 1, is amended to read:

Subdivision 1. [UNIFORM SYSTEM.] The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. *The manual and specifications must include the design and wording of minimum-maintenance road signs.* The adoption of the manual and specifications by the commissioner as herein provided is specifically exempted from the provisions and requirements of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62 and acts amendatory thereto."

Amend the title as follows:

Page 1, line 6, delete "providing penalties;"

Page 1, line 7, delete "160.01,"

Page 1, delete lines 8 to 27 and insert "160.02, subdivision 7; and 169.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 160."

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. 789, A bill for an act relating to transportation; railroads; requiring occupied caboose car; requiring caboose car to be equipped with shortwave radio; imposing a penalty;

amending Minnesota Statutes 1984, section 219.56; proposing coding for new law in Minnesota Statutes, chapter 219.

Reported the same back with the following amendments:

Page 1, line 20, delete "1,000" and insert "1,500"

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

The report was adopted.

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

H. F. No. 818, A bill for an act relating to health; expanding the purposes of health care review organizations; amending Minnesota Statutes 1984, section 145.61, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 145.61, subdivision 5, is amended to read:

Subd. 5. "Review organization" means a committee whose membership is limited to professionals and administrative staff, except where otherwise provided for by state or federal law, and which is established by a hospital, by a clinic, by one or more state or local associations of professionals, by an organization of professionals from a particular area or medical institution, by a health maintenance organization as defined in Minnesota Statutes, Chapter 62D, by a nonprofit health service plan corporation as defined in Minnesota Statutes, Chapter 62C or by a professional standards review organization established pursuant to 42 U.S.C., Section 1320c-1 et seq. to gather and review information relating to the care and treatment of patients for the purposes of:

(a) Evaluating and improving the quality of health care rendered in the area or medical institution;

(b) Reducing morbidity or mortality;

(c) Obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness and injuries;

(d) Developing and publishing guidelines showing the norms of health care in the area or medical institution;

(e) Developing and publishing guidelines designed to keep within reasonable bounds the cost of health care;

(f) Reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations;

(g) Acting as a professional standards review organization pursuant to 42 U.S.C., Section 1320c-1 et seq.;

(h) Determining whether a professional shall be granted staff privileges in a medical institution or whether a professional's staff privileges should be limited, suspended or revoked; (OR)

(i) Reviewing, ruling on, or advising on controversies, disputes or questions between:

(1) health insurance carriers or health maintenance organizations and their insureds or enrollees;

(2) professional licensing boards acting under their powers including disciplinary, license revocation or suspension procedures and health providers licensed by them when the matter is referred to a review committee by the professional licensing board;

(3) professionals and their patients concerning diagnosis, treatment or care, or the charges or fees therefor;

(4) professionals and health insurance carriers or health maintenance organizations concerning a charge or fee for health care services provided to an insured or enrollee; (OR)

(5) professionals or their patients and the federal, state, or local government, or agencies thereof; or

(j) *Providing underwriting assistance in connection with professional liability insurance coverage applied for or obtained by dentists, or providing assistance to underwriters in evaluating claims against dentists."*

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. 886, A resolution memorializing the governments of the United States and Sweden that the State of Minnesota adopts the County of Kronoberg as a sister state.

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. 1015, A bill for an act relating to recreational vehicles; regulating three-wheel off-road vehicles; amending Minnesota Statutes 1984, sections 84.922, subdivisions 5 and 8, and by adding subdivisions; 84.927, subdivision 2; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 84.92, is amended to read:

84.92 [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 84.92 to 84.929 and Laws 1984, chapter 647, (SECTIONS 1 TO) section 9.

Subd. 1a. [AGRICULTURAL ZONE.] "Agricultural zone" means the areas in Minnesota lying south and west of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of trunk highway no. 10, thence easterly along trunk highway no. 10 to trunk highway no. 23, thence easterly along trunk highway no. 23 to trunk highway no. 95, thence easterly along trunk highway no. 95 to its termination at the Minnesota-Wisconsin border.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.

Subd. 3. [DEALER.] "Dealer" means a person engaged in the business of selling (THREE-WHEEL OFF-ROAD) *all-terrain* vehicles at wholesale or retail.

Subd. 4. [MANUFACTURER.] "Manufacturer" means a person engaged in the business of manufacturing (THREE-WHEEL OFF-ROAD) *all-terrain* vehicles.

Subd. 5. [OWNER.] "Owner" means a person, other than a person with a security interest, having a property interest in or title to (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle and entitled to the use and possession of the vehicle.

Subd. 6. [PERSON.] "Person" means an individual or an organization as defined in section 336.1-201, paragraph (30).

Subd. 7. [REGISTER.] "Register" means the act of assigning a registration number to (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle.

Subd. 8. [ALL-TERRAIN VEHICLE.] "(THREE-WHEEL OFF-ROAD) *All-terrain* vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Sec. 2. Minnesota Statutes 1984, section 84.922, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted in subdivision 8, after January 1, 1985, a person may not operate (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle within the state unless the vehicle has been registered. After January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Sec. 3. Minnesota Statutes 1984, section 84.922, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION CARD.] The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require. Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed the commissioner shall issue a replacement registration card upon payment of a fee of \$4. The fees collected from replacement registration cards shall be deposited in the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle account.

Sec. 4. Minnesota Statutes 1984, section 84.922, subdivision 5, is amended to read:

Subd. 5. [FEES FOR REGISTRATION.] (a) The fee for registration of each vehicle under this section (SHALL BE \$15 FOR THREE CALENDAR YEARS. THE COMMISSIONER OR COMMISSIONER OF PUBLIC SAFETY SHALL CHARGE AN ADDITIONAL \$3 PER REGISTRATION GRANTED), *other than those registered by a dealer or manufacturer under paragraph (b) or (c), is \$18 for three years and \$4 for a duplicate or transfer.*

(b) *The total registration fee for all-terrain vehicles owned by a dealer and operated for demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.*

(c) *The total registration fee for all-terrain vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes is \$150 per year. Manufacturer registrations are not transferable.*

(d) The fees collected under this subdivision (SHALL) *must* be credited to the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle account.

Sec. 5. Minnesota Statutes 1984, section 84.922, subdivision 6, is amended to read:

Subd. 6. [RENEWAL.] Every owner of (A THREE-WHEEL) *an all-terrain* vehicle must renew registration in a manner prescribed by the commissioner upon payment of the registration fees in subdivision 5.

Sec. 6. Minnesota Statutes 1984, section 84.922, subdivision 7, is amended to read:

Subd. 7. [VEHICLES OWNED BY STATE OR POLITICAL SUBDIVISION.] A registration number must be issued without the payment of a fee for (THREE-WHEEL) *all-terrain* vehicles owned by the state or a political subdivision upon application.

Sec. 7. Minnesota Statutes 1984, section 84.922, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS.] A registration is not required for the following:

(1) vehicles being used for work *exclusively* on agricultural lands;

(2) vehicles owned and used by the United States, another state, or a political subdivision;

(3) vehicles covered by a valid license of another state or (COUNTY) *country* that have not been within this state for more than 30 consecutive days; and

(4) vehicles used exclusively in organized track racing events; and

(5) vehicles being used on private land with the permission of the landowner.

Sec. 8. Minnesota Statutes 1984, section 84.922, is amended by adding a subdivision to read:

Subd. 9. [LICENSING BY POLITICAL SUBDIVISIONS.] No political subdivision of this state shall require licensing or registration of all-terrain vehicles covered by sections 84.92 to 84.929.

Sec. 9. Minnesota Statutes 1984, section 84.922, is amended by adding a subdivision to read:

Subd. 10. [REGISTRATION BY MINORS PROHIBITED.] No person under the age of 18 may register an all-terrain vehicle.

Sec. 10. [84.924] [RULEMAKING; ACCIDENT REPORT.]

Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] With a view of achieving maximum use of all-terrain vehicles consistent with protection of the environment, the commissioner of natural resources shall adopt rules under chapter 14 relating to:

(1) registration of all-terrain vehicles and display of registration numbers;

(2) use of all-terrain vehicles insofar as game and fish resources are affected;

(3) use of all-terrain vehicles on public lands and waters under the jurisdiction of the commissioner of natural resources;

(4) uniform signs to be used by the state, counties, and cities necessary or desirable to control, direct, or regulate the operation and use of all-terrain vehicles; and

(5) specifications relating to all-terrain vehicle mufflers.

Subd. 2. [COMMISSIONER OF PUBLIC SAFETY.] The commissioner of public safety may adopt rules under chapter 14 regulating the use of all-terrain vehicles on streets and highways.

Subd. 3. [ACCIDENT REPORT; REQUIREMENT AND FORM.] The operator of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of \$100 or more shall promptly forward a written report of the accident to the commissioner of natural resources on a form prescribed by the commissioner.

Sec. 11. Minnesota Statutes 1984, section 84.925, is amended to read:

84.925 [EDUCATION AND TRAINING PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a comprehensive (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle environmental and safety education and training program, including the preparation and dissemination of vehicle information and safety advice to the public, the training of (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle operators, and the issuance of (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed \$5 from each person who receives the training and shall deposit the fee in the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle account. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators.

Subd. 2. [YOUTHFUL OPERATORS.] (a) A person under the age of 14 years may not operate (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle on any public land or water under the jurisdiction of the commissioner unless accompanied by an adult on the vehicle or on an accompanying (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle or on a device towed by the same or an accompanying (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle. However, a person 12 years of age or older may operate (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle on public lands and waters under the jurisdiction of

the commissioner if he has in his immediate possession a valid (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of (A THREE-WHEEL OFF-ROAD) *an all-terrain* vehicle to allow the vehicle to be operated contrary to the provisions of this section.

Sec. 12. [84.9254] [SIGNAL FROM OFFICER TO STOP.]

It is unlawful for an all-terrain vehicle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, to (1) operate an all-terrain vehicle in willful or wanton disregard of the signal to stop, (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or (3) increase speed or attempt to flee or elude the officer.

Sec. 13. [84.9256] [YOUTHFUL OPERATORS; PROHIBITIONS.]

Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a) Despite section 84.928 to the contrary, a person under 12 years of age shall not make a direct crossing of a trunk, county state-aid, or county highway as the operator of an all-terrain vehicle, or operate the vehicle upon a street or highway within a municipality.

(b) A person 12 years of age but less than 14 years may make a direct crossing of a trunk, county state-aid, or county highway only if that person possesses a valid all-terrain vehicle safety certificate and is accompanied by a person over 18 years of age. A person under the age of 14 years shall not operate an all-terrain vehicle on public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same vehicle, if designed for more than one person, or an accompanying all-terrain vehicle: the person's parent, legal guardian, or other person 18 years of age or older.

However, a person 12 years of age or older may operate an all-terrain vehicle on public lands and waters under the jurisdiction of the commissioner if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner.

(c) A person 14 years of age or older, but less than 16 years of age, may make a direct crossing of a trunk, county state-aid, or county highway only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner or a valid motor vehicle operator's license.

Subd. 2. [HELMET REQUIRED.] A person less than 14 years of age shall not operate an all-terrain vehicle on public land

unless wearing a safety helmet approved by the commissioner of public safety.

Subd. 3. [PROHIBITIONS ON OWNER.] It is unlawful for the owner of an all-terrain vehicle to permit it to be operated contrary to this section.

Subd. 4. [SUSPENSION.] When the judge of a juvenile court, or its duly authorized agent, determines that a person, while less than 18 years of age, has violated sections 84.92 to 84.929, or other state or local law or ordinance regulating the operation of an all-terrain vehicle, the judge or duly authorized agent shall immediately report the determination to the commissioner and (1) may recommend the suspension of the person's all-terrain vehicle safety certificate, or (2) may recommend to the commissioner of public safety, the suspension of the person's driver's license. The commissioner may suspend the certificate without a hearing.

Sec. 14. Minnesota Statutes 1984, section 84.927, is amended to read:

84.927 [REGISTRATION FEES; UNREFUNDED GASOLINE TAX; ALLOCATION.]

Subdivision 1. [REGISTRATION REVENUE.] Fees from the registration of (THREE-WHEEL OFF-ROAD) *all-terrain* vehicles and the unrefunded gasoline tax attributable to vehicle use under section 296.16 shall be deposited in the state treasury and credited to the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle account.

Subd. 2. [PURPOSES.] Subject to appropriation by the legislature, money in the (THREE-WHEEL OFF-ROAD) *all-terrain* vehicle account may only be spent for (THE FOLLOWING PURPOSES):

(1) the education and training program under section 84.925;

(2) administration and implementation of sections 84.92 to 84.929 and Laws 1984, chapter 647, sections (1 TO) 9 and 10; (AND)

(3) acquisition, maintenance, and development of vehicle trails and use areas;

(4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas; and

(5) grants-in-aid to local safety programs.

The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 15. Minnesota Statutes 1984, section 84.928, is amended to read:

84.928 [OPERATION (ON STREETS AND HIGHWAYS) REQUIREMENTS; LOCAL REGULATION.]

Subdivision 1. [OPERATION ON STREETS AND HIGHWAYS.] (EXCEPT AS PROVIDED IN CHAPTER 168 OR IN THIS SECTION, A THREE-WHEEL OFF-ROAD VEHICLE MAY NOT BE DRIVEN OR OPERATED ON A HIGHWAY)

(a) A person shall not operate an all-terrain vehicle upon the roadway, shoulder, or inside bank or slope of a trunk, county state-aid, or county highway in this state and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic, except as provided in sections 84.92 to 84.929. A person shall not operate an all-terrain vehicle within the right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. A person shall not operate an all-terrain vehicle within the right-of-way of a trunk, county state-aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway. A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

(A) (b) An all-terrain vehicle may make a direct crossing of a street or highway provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) the driver yields the right of way to all oncoming traffic that constitutes an immediate hazard;

(4) in crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway; and

(5) if the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(c) *An all-terrain vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the all-terrain vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, and the crossing is made without undue delay.*

(d) *A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candle-power as prescribed by rules of the commissioner, with reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.*

(e) *An all-terrain vehicle may be operated upon a public street or highway other than as provided by paragraph (b) in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.*

(f) *Chapter 169 applies to the operation of all-terrain vehicles upon streets and highways, except for those provisions relating to required equipment and except those provisions which by their nature have no application.*

(g) *A sled, trailer, or other device being towed by an all-terrain vehicle must be equipped with reflective materials as required by rule of the commissioner.*

Subd. 2. [OPERATION GENERALLY.] *It is unlawful for a person to drive or operate an all-terrain vehicle:*

(1) *at a rate of speed greater than reasonable or proper under the surrounding circumstances;*

(2) *in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another;*

(3) *without headlight and taillight lighted at all times;*

(4) *without a functioning stoplight; or*

(5) *in a tree nursery or planting in a manner which damages or destroys growing stock.*

Subd. 3. [OPERATING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] *A person may*

not operate or be in control of an all-terrain vehicle while under the influence of alcohol, as provided in section 169.121, subdivision 1, or a controlled substance defined in section 152.01, subdivision 4. A person violating this subdivision is guilty of a crime and is punishable in accordance with the provisions of section 169.121, subdivisions 3 and 4.

Subd. 4. [OPERATION PROHIBITED ON AIRPORTS.] *It is unlawful for a person to drive or operate an all-terrain vehicle on an airport defined in section 360.013, subdivision 5.*

Subd. 5. [ORGANIZED CONTESTS, USE OF HIGHWAYS AND PUBLIC LANDS AND WATERS.] *Nothing in this section or chapter 169 prohibits the use of all-terrain vehicles within the right of way of a state trunk or county state-aid highway or upon public lands or waters under the jurisdiction of the commissioner of natural resources, in an organized contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or waters.*

In permitting the contest, the official or board having jurisdiction may prescribe restrictions or conditions as they may deem advisable.

Subd. 6. [REGULATIONS BY POLITICAL SUBDIVISIONS.] *Despite any provision in this section to the contrary, a county board, by resolution, may permit the operation of all-terrain vehicles upon the roadway, shoulder, or inside bank or slope of a county highway or county state-aid highway if the roadway is in the agricultural zone or if safe operation in the ditch or outside bank or slope of the highway is impossible, in which case the county board shall provide appropriate notice.*

A county or city, or a town acting by its town board, may regulate the operation of all-terrain vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries, by resolution or ordinance of the governing body and by giving appropriate notice, provided the regulations are consistent with sections 84.92 to 84.929 and rules adopted under section 10. However, the local governmental unit may not adopt an ordinance which (1) imposes a fee for the use of public land or water under the jurisdiction of either the department of natural resources or other agency of the state, or for the use of an access to it owned by the state or a county or city, or (2) requires an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

Subd. 7. [LIABILITY TO ROAD AUTHORITY.] *When a road or highway right-of-way is used as provided by sections 84.92 to 84.928, 85.018, 100.273, subdivision 9, and 296.16, the road authority having jurisdiction and the officers and em-*

ployees of the road authority are exempt from liability for any claim by any person arising from that use.

Sec. 16. Minnesota Statutes 1984, section 85.018, is amended to read:

85.018 [TRAIL USE; VEHICLES REGULATED, RESTRICTED.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section (,):

(a) "Trail" means a recreational trail, which is funded in whole or in part by state grants-in-aid to a local unit of government.

(b) "Commissioner" means the commissioner of the state agency from which the grants-in-aid are received.

Subd. 2. [AUTHORITY OF LOCAL GOVERNMENT.]

(a) A local government unit that receives state grants-in-aid for any trail, with the concurrence of the commissioner, and the landowner or land lessee, may:

((A)) (1) designate the trail for use by snowmobiles or for nonmotorized use from December 1 to April 1 of any year; and

((B)) (2) issue any permit required under subdivisions 3 to 5.

(b) A local government unit that receives state grants-in-aid under section 84.927, subdivision 2, for any trail, with the concurrence of the commissioner, and landowner or land lessee, may:

(1) designate the trail specifically for use at various times of the year by all-terrain vehicles, for nonmotorized use such as ski touring, snowshoeing, and hiking, and for multiple use, but not for motorized and nonmotorized use at the same time; and

(2) issue any permit required under subdivisions 3 to 5.

(c) A local unit of government that receives state grants-in-aid for any trail, with the concurrence of the commissioner and landowner or land lessee, may designate certain trails for joint use by snowmobiles and all-terrain vehicles.

Subd. 3. [MOTORIZED USE; PERMITS, RESTRICTIONS.]
(MOTORIZED USE OF TRAILS SHALL BE ALLOWED ONLY BY PERMIT BETWEEN APRIL 2 AND NOVEMBER 30 OF ANY YEAR) Permits may be issued for motorized vehicles, other than those designated, to use a trail designated

for use by snowmobiles or all-terrain vehicles. Notice of the permit must be conspicuously posted, at the expense of the permit holder, at no less than one-half mile intervals along the trail, for the duration of the permit. Permits shall require that permit holders return the trail and any associated facility to their original condition if any damage is done by the permittee. Limited permits for special events such as races may be issued and shall require the removal of any trail markers, banners and other material used in connection with the special event.

Subd. 4. [NONMOTORIZED USE TRAILS (; WINTER).] (FROM DECEMBER 1 TO APRIL 1 OF ANY YEAR) No motorized vehicle shall be operated on a trail designated for non-motorized use (SUCH AS SKI TOURING OR SNOWSHOE USE).

Subd. 5. [SNOWMOBILE AND ALL-TERRAIN VEHICLE TRAILS RESTRICTED.] (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile, unless authorized by permit, lease or easement, shall be permitted on a trail designated for use by snowmobiles.

(b) *From December 1 to April 1 in any year no use of a motorized vehicle other than an all-terrain vehicle, unless authorized by permit, shall be permitted on a trail designated for use by all-terrain vehicles.*

Subd. 6. [EXCEPTIONS.] The following motor vehicles are exempt from the provisions of subdivisions 3 to 5:

(a) military, fire, emergency or law enforcement vehicles used for official or emergency purposes;

(b) vehicles registered to the county, state or federal government;

(c) vehicles authorized by permit, lease or contract;

(d) vehicles owned by private persons engaged in the upkeep and maintenance of the trail systems under the direction of the local unit of government that manages the trail; and

(e) vehicles registered to or operated with the permission of a land owner on whose lands the trail system has been constructed, but only with respect to operation on the land of that owner.

Subd. 7. [STREETS AND HIGHWAYS.] This section does not apply to any portion of a trail located on any street or highway as defined in section 169.01.

Subd. 8. [ENFORCEMENT.] The provisions of this section may be enforced by officers of the department of natural resources as provided in section 97.50.

Sec. 17. Minnesota Statutes 1984, section 100.273, subdivision 9, is amended to read:

Subd. 9. Violation of any provision of this section is a misdemeanor. Upon a person's conviction for violating any provision of this section, any license issued to him pursuant to chapter 98, or any registration pursuant to section 84.82 or 84.922, under which he was exercising or attempting to exercise a privilege while violating this section shall immediately become null and void.

Sec. 18. Minnesota Statutes 1984, section 296.16, subdivision 1, is amended to read:

Subdivision 1. [INTENT.] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state.

Approximately three-fourths of one percent of all gasoline received in this state and three-fourths of one percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motor boats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in motor boats, three-fourths of one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state.

Approximately three-fourths of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in snowmobiles, three-fourths of one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles, also known as three-wheel off-road vehicles, in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, 0.15 of one percent of such revenues is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Sec. 19. [APPROPRIATION.]

\$..... is appropriated from the all-terrain vehicle account to the commissioner of natural resources for the biennium ending June 30, 1987, to administer sections 1 to 18.

Sec. 20. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84."

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. 1074, A bill for an act relating to state departments and agencies; establishing an enterprise fund for the Minnesota zoo board; amending Minnesota Statutes 1984, sections 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 85A; repealing Minnesota Statutes 1984, section 85A.03.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [85A.001] [PURPOSE.]

It is the intent of the legislature to foster a partnership between the private sector and the state for the purpose of operating a zoological garden. The legislature seeks to enable the Minnesota zoological garden to operate independently, efficiently, and economically and to become more active in soliciting non-state contributions.

Sec. 2. Minnesota Statutes 1984, section 85A.01, subdivision 1, is amended to read:

Subdivision 1. The Minnesota zoological garden is hereby established under the supervision and control of the state zoological board which is hereby created. The board shall consist of (11) 17 members (APPOINTED BY THE GOVERNOR) *comprised of public and private sector individuals having a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota zoological garden. Members shall be appointed by the board from a list supplied by board members serving on a nominating committee. Members shall serve terms of four years. Compensation of members shall be as provided in section 15.0575. In making their appointments, the board shall consider the ability of members to garner support for the Minnesota zoological garden.* In consultation with the Dakota county board the (GOVERNOR) board shall appoint as (A TWELFTH MEMBER) *one of the 17 members of the zoo board a resident of Dakota county (WHO SHALL NOT VOTE AND) who may be a member of the county board.*

No member of the board may be an employee of or have a direct or immediate family financial interest in a business that provides goods or services to the zoo. No member of the board may be an employee of the zoo.

Sec. 3. Minnesota Statutes 1984, section 85A.01, subdivision 2, is amended to read:

Subd. 2. The board shall annually elect a chairman from among its *private sector* members and such other officers as it may deem necessary for the performance of its duties. (IT SHALL APPOINT A DIRECTOR TO SERVE AT ITS PLEASURE WHO IS IN THE UNCLASSIFIED SERVICE OF THE STATE AND WHO SHALL BE CHOSEN SOLELY ON THE BASIS OF HIS TRAINING, EXPERIENCE AND OTHER QUALIFICATIONS APPROPRIATE TO THE FIELD OF ZOO MANAGEMENT. THE DIRECTOR SHALL ACT AS EXECUTIVE SECRETARY AND APPOINT ADMINISTRATIVE OFFICERS AND EMPLOYEES OF THE BOARD WITH THE APPROVAL OF THE BOARD. WITH THE APPROVAL OF THE BOARD, HE SHALL EXERCISE THE POWERS AND DUTIES SET FORTH IN SECTION 85A.03.)

Sec. 4. Minnesota Statutes 1984, section 85A.02, subdivision 3, is amended to read:

Subd. 3. The board may conduct research studies and programs, collect and analyze data and prepare reports, maps, charts and other information relating to the zoological garden or any wild or domestic animals or may contract for any of such services without complying with the requirements of chapter (16) 16B.

Sec. 5. Minnesota Statutes 1984, section 85A.02, subdivision 4, is amended to read:

Subd. 4. The board may appoint an advisory committee consisting of persons who are members of zoological societies or who have shown a background or interest in such societies or zoo management *or an ability to generate community support for the Minnesota zoological garden.*

Sec. 6. Minnesota Statutes 1984, section 85A.02, subdivision 5, is amended to read:

Subd. 5. The board may accept and use gifts, grants or contributions from any *nonstate* source (OR APPROPRIATIONS MADE BY THE LEGISLATURE FOR THE PURPOSE OF THE ESTABLISHMENT AND OPERATION OF THE ZOOLOGICAL GARDEN OR FOR THE ESTABLISHMENT, IMPROVEMENT OR OPERATION OF FACILITIES RELATED THERETO AND NECESSARY THEREFOR AT THE SITES OF OTHER ZOOLOGICAL GARDENS OWNED BY GOVERNMENTAL SUBDIVISIONS OF THE STATE OF MINNESOTA). *Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of, and invest or reinvest the money, securities, or other property given or bequeathed to it from nonstate sources. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Any additional operating expenses incurred by virtue of capital development projects must be paid for with funds other than state appropriations.*

Sec. 7. Minnesota Statutes 1984, section 85A.02, is amended by adding a subdivision to read:

Subd. 5a. [EMPLOYEES.] (a) *The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, the administrator shall operate the Minnesota zoological garden and enforce all regulations and policy decisions of the board in regard thereto. The administrator shall be chosen solely on the basis of his or her training, experience, and other qualifications appropriate to the field of zoo management. The administrator shall perform such duties as may be directed by the board and shall serve in the unclassified service at the pleasure of the board. The board, with the participation of the private sector, shall appoint a development director in the unclassified service to establish mechanisms to foster community participation in and community support for the Minnesota zoological garden.*

The board may employ other necessary professional, technical, and clerical personnel.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment.

Sec. 8. Minnesota Statutes 1984, section 85A.02, is amended by adding a subdivision to read:

Subd. 5b. [EXEMPTIONS.] Except as it determines, and except as provided in sections 13 and 14, the board is not subject to the provisions of chapters 15, 15A, 16A, and 16B concerning budgeting, payroll, and the purchase of goods or services. The board is not subject to the provisions of chapter 14 concerning administrative procedures except sections 14.38, subdivision 7, and 14.39 to 14.43 relating to the legal status of rules and the legislative review of rules. This section will become effective July 1, 1987, unless the legislature indicates otherwise.

Sec. 9. Minnesota Statutes 1984, section 85A.02, is amended by adding a subdivision to read:

Subd. 5c. [RECOMMENDATIONS.] The newly constituted board, with the participation of the state planning agency, the departments of administration, finance, and employee relations and the Minnesota zoological garden shall develop recommendations for implementation of section 85A.02, subdivision 5b to present to the legislature. All participants shall review and evaluate governance options that would best foster an effective public/private partnership to oversee zoo operations. The recommendations must also include an evaluation of the most appropriate status for zoo employees under any proposed governance structure, and shall recommend a transition process to achieve that status. The participants shall establish an advisory committee to help achieve these ends.

Sec. 10. Minnesota Statutes 1984, section 85A.02, is amended by adding a subdivision to read:

Subd. 5d. [FINANCIAL REPORT.] The board shall employ a certified public accountant to audit and examine its financial records each year. The board shall submit to the legislative auditor a report of the accountant's examination or audit. The legislative auditor shall review the report and accept it or make additional examinations if these would be in the public interest. The working papers of the certified public accountant relating to the board must be made available to the legislative auditor on request.

Sec. 11. Minnesota Statutes 1984, section 85A.02, subdivision 7, is amended to read:

Subd. 7. The board may enact rules governing the efficient protection of the Minnesota zoological garden and the related fa-

cilities and the conduct of persons entering therein. *Notwithstanding section 8*, rules shall become effective in the manner provided by law for the promulgation of rules by state departments and agencies. The violation of a rule promulgated by the board under this section is a petty misdemeanor. The board may specify that violation of a designated rule shall be sufficient cause for ejection from the grounds of the zoological garden.

Sec. 12. Minnesota Statutes 1984, section 85A.02, subdivision 12, is amended to read:

Subd. 12. The board shall report to the legislature by (JANUARY 1) *September 15* of each year on the activities of the board and the operation of the zoological garden. *The report must summarize the activities of the board and the Minnesota zoological garden over the preceding fiscal year ended June 30. The report must evaluate the most effective governance structure for the board and the Minnesota zoological garden and state whether the existing structure results in effective administration of the zoo and whether statutory changes are necessary. The report must be submitted together with the financial report required by section 85A.02, subdivision 5d.*

Sec. 13. Minnesota Statutes 1984, section 85A.02, subdivision 16, is amended to read:

Subd. 16. The board may acquire by lease-purchase or installment purchase contract, transportation systems, facilities and equipment that it determines will substantially enhance the public's opportunity to view, study or derive information concerning the animals to be located in the zoological garden, and will increase attendance at the garden. The contracts may provide for: (1) the payment of moneys over a twelve year period, or over a longer period not exceeding 25 years if approved by the (COMMISSIONER OF ADMINISTRATION) board; (2) the payment of money from any funds of the board not pledged or appropriated for another purpose; (3) indemnification of the lessor or seller for damage to property or injury to persons due primarily to the actions of the board or its employees; (4) the transfer of title to the property to the board upon execution of the contract or upon payment of specified amounts; (5) the reservation to the lessor or seller of a security interest in the property; and (6) any other terms that the board determines to be commercially reasonable. Property so acquired by the board, and its purchase or use by the board, or by any non-profit corporation having a concession from the board requiring its purchase, shall not be subject to taxation by the state or its political subdivisions. Each contract shall be subject to the provisions of chapter (16) *16B*, relating to competitive bidding, provided that the board is not required to readvertise for competitive proposals for any transportation system, facilities and equipment heretofore selected from competitive proposals taken pursuant to section (85A.03, SUBDIVISIONS 4 AND 4A) *14. Nothing in this act shall be con-*

strued as a modification of the state policy that the monorail transportation system at the Minnesota zoological garden is not a state obligation.

Sec. 14. Minnesota Statutes 1984, section 85A.02, is amended by adding a subdivision to read:

Subd. 17. [ADDITIONAL POWERS.] The board may:

(1) establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facilities; and

(2) provide for the purchase, reproduction, and sale of gifts, souvenirs, publications, informational materials, food and beverages, and grant concessions for the sale of these items. In other areas of concessions the board may determine that it is not feasible and not in the public interest to award a contract for the operation of the concession to the highest responsible bidder.

In purchasing materials and commodities and granting concessions, a contract for purchases or concessions must be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the service when possible. At least 30 days before awarding a directly negotiated contract, the board shall, by written published notice, request quotations for the service or materials for resale to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of chapter 16B, notwithstanding section 7. The board is encouraged to utilize state procurement mechanisms where feasible.

Sec. 15. Minnesota Statutes 1984, section 85A.04, subdivision 3, is amended to read:

Subd. 3. [(ZOO CONCESSION ACCOUNT) SPECIAL REVENUE FUND.] A (CONCESSION ACCOUNT) special revenue fund is established for the Minnesota zoological garden. Concessions are the sale of all goods and services (OTHER THAN) and may include admissions, parking, food concessions, and equipment rentals. All concession receipts generated by the zoo, except gifts, shall be deposited in the state treasury (AND), credited to the (ACCOUNT) special revenue fund, and are appropriated for the purposes of (CONCESSION OPERATIONS. CONCESSION EXPENSES, INCLUDING INVENTORY, PERSONNEL COSTS, SPACE RENTAL, AND OVERHEAD, SHALL BE PAID FROM THE ACCOUNT. FOR THE YEARS ENDING JUNE 30, 1982, AND JUNE 30, 1983, THE NET

INCOME FROM CONCESSION OPERATIONS REPORTED ON THE INCOME STATEMENT IN THE MINNESOTA ZOOLOGICAL GARDEN ANNUAL FINANCIAL REPORT SHALL BE TRANSFERRED TO THE GENERAL FUND) *zoo operating expenses*. For the year (ENDING JUNE 30, 1984) *beginning July 1, 1985*, and each year thereafter, the net income from the *special revenue fund* shall be retained by the zoological garden. (THE AMOUNT RETAINED IS APPROPRIATED FOR CAPITAL IMPROVEMENTS AT THE ZOOLOGICAL GARDEN. THE BOARD SHALL INCLUDE A REPORT ON THE CAPITAL IMPROVEMENTS IN THE REPORT REQUIRED BY SECTION 85A.02, SUBDIVISION 12.)

Sec. 16. [TRANSITIONS.]

Subdivision 1. [NEW BOARD.] Notwithstanding section 2, the 17 initial members of the newly constituted board shall be appointed by a task force selected by the director of the state planning agency from a list of 30 persons supplied by the current board of the Minnesota zoological garden. These 17 members shall select the Dakota county representative. Nine of the initial board members appointed by the task force shall serve for two-year terms and eight for four-year terms.

Subd. 2. [TERMINATION OF TERMS.] Notwithstanding any law to the contrary the terms of all members of the state zoological society board on the effective date of this section terminate when the board members appointed under subdivision 1 take office.

Sec. 17. [SUMMER YOUTH PROGRAM.]

The zoological board may employ students to work exclusively between June 1 and September 30 of each year. All federal and state minimum wage laws apply, but these workers are not considered employees of the state of Minnesota within the meaning of section 43A.02, subdivision 21, nor are they public employees under chapter 179A. This employment is not to exceed 40 hours per week per individual nor 12 weeks in duration. This section is repealed September 30, 1986.

Sec. 18. [APPROPRIATION.]

\$ is appropriated from the general fund to the Minnesota zoo board to operate the Minnesota zoological garden.

Sec. 19. [INSTRUCTION TO REVISOR.]

In Minnesota Statutes, the revisor of statutes is directed to change the words "state zoological board" to "Minnesota zoological board."

Sec. 20. [REPEALER.]

Minnesota Statutes 1984, sections 85A.01, subdivision 1a, 85A.03, and 85A.04, subdivision 1, are repealed."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "appointing a new"

Page 1, line 3, delete "establishing an enterprise fund for the"

Page 1, line 4, before "amending" insert "establishing a gift account and a special revenue fund; directing a study of the governance structure;"

Page 1, line 6, after "5," insert "7,"

Page 1, line 9, delete "section" and insert "sections 85A.01, subdivision 1a;"

Page 1, line 9, after "85A.03" insert "; and 85A.04, subdivision 1"

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

The report was adopted.

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

H. F. No. 1076, A bill for an act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Statutes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.06; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 10, line 14, delete "*in addition specifically*"

Page 10, line 19, delete "*the*" and insert "*a*"

Page 10, line 20, delete "*thereof*"

Page 10, line 23, delete "*Whoever*" and insert "*A person who*"

Page 10, line 24, delete "*, and may be*" and insert a colon

Page 10, delete line 25

Page 10, line 27, delete "*he or she is without the consent of*" and after "*cardholder*" insert "*has not given consent*"

Page 10, lines 28, 31, and 36, delete "*or*"

Page 10, line 29, delete "*that he or she knows*" and insert "*knowing it*"

Page 11, line 1, delete "*therefore*"

Page 11, line 4, delete "*two*" and insert "*one*"

Page 11, line 5, delete "*two*" and insert "*one*" and delete "*which he or she knows*" and insert "*knowing the cards*"

Page 11, lines 7 and 20, delete "*or*"

Page 11, line 9, delete "*upon presentation of a*"

Page 11, delete line 10

Page 11, line 11, delete "*employee of the person*"

Page 11, line 14, delete "*which he*"

Page 11, line 15, delete "*or she knows is*" and insert "*knowing it to be*" and before "*that*" insert "*knowing*" and after "*that*" insert "*it*"

Page 11, line 16, delete "*whom he or she knows to be*"

Page 11, line 18, delete "*he or she*" and insert "*the person*"

Page 11, line 22, delete "*, knowingly makes or causes to be made a false statement*" and insert ":

(i) *knowingly gives a false name or occupation; or*

(ii) *knowingly and substantially overvalues assets or substantially undervalues indebtedness for the purpose of influencing the issuer to issue a financial transaction card; or*

(7) *with intent to defraud, falsely notifies the issuer or any other person of a theft, loss,*"

Page 11, delete lines 23 to 30

Page 11, delete lines 32 to 35 and insert:

"Subd. 3. [SENTENCE.] A person who commits financial transaction card fraud may be sentenced as follows:

(1) for a violation of subdivision 2, clause (1), (2), or (5), in the manner provided in section 609.52, subdivision 3;

(2) for a violation of subdivision 2, clause (3) or (4), to imprisonment for not more than 3 years or to payment of a fine of not more than \$5,000, or both; or

(3) for a violation of subdivision 2, clause (6) or (7),

(i) if no property, other than a financial transaction card, has been obtained by the defendant by means of the false statement or false report, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(ii) if property, other than a financial transaction card, is so obtained, in the manner provided in section 609.52, subdivision 3."

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. 1113, A bill for an act relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes; amending Minnesota Statutes 1984, section 161.44, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE FOR HISTORICAL PURPOSES.]

(a) Notwithstanding any other law to the contrary, the commissioner may convey land, as provided in Minnesota Statutes, section 161.44, described in paragraph (b), including any improvements on the lands, owned in fee by the state for trunk highway purposes, but no longer needed, to the Minnesota historical society for historical purposes. The conveyance may be without financial consideration. The lands conveyed must become a part of the state's historic sites program under Minnesota Statutes, chapter 138.

(b) The lands which may be conveyed are specifically related to and about the properties of the James J. Hill House, described in Minnesota Statutes, section 138.58, subdivision 22, and the Grand Mound, described in Minnesota Statutes, section 138.53, subdivision 38."

Amend the title as follows:

Page 1, line 4, delete "; amending" and insert a period

Page 1, delete lines 5 and 6

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. 1128, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.21; 171.321, subdivision 2; and 297B.12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 65B.67, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Any operator of a motor vehicle or motorcycle who is convicted (OF A MISDEMEANOR) under the terms of this section, *is guilty of a misdemeanor, and shall be sentenced as provided in section 609.03, clause (3), and shall have his driver's license revoked for not more than 12 months. If the operator is also an owner of the motor vehicle or motorcycle, the registration of the motor vehicle or motorcycle shall also be revoked for not more than 12 months. Before reinstatement of a driver's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48. The commissioner shall include a notice of the penalties contained in this section on all forms for registration of motor vehicles or motorcycles required to maintain a plan of reparation security.*

Sec. 2. Minnesota Statutes 1984, section 168.011, subdivision 4, is amended to read:

Subd. 4. [MOTOR VEHICLE.] "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles and manufactured homes. *Motor vehicle does not include a three-wheel off-road vehicle as defined in section 84.92, subdivision 8.*

Sec. 3. Minnesota Statutes 1984, section 168.011, subdivision 28, is amended to read:

Subd. 28. [VAN.] "Van" means any vehicle of box-like design with no barrier or separation between the operator's area and the remainder of the passenger-carrying or cargo-carrying area, and with a manufacturer's *nominal rated carrying capacity of (2,000 POUNDS) three-fourths ton or less and commonly known as a van.*

Sec. 4. Minnesota Statutes 1984, section 168.011, subdivision 29, is amended to read:

Subd. 29. [PICKUP TRUCKS.] "Pickup truck" means any truck with a manufacturer's *nominal rated carrying capacity of (2,000 POUNDS) three-fourths ton or less and commonly known as a pickup truck.*

Sec. 5. Minnesota Statutes 1984, section 168.012, subdivision 1, is amended to read:

Subdivision 1. Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision thereof, or vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions, shall be exempt from the provision of this chapter requiring payment of tax or registration fees, *except as provided in section 6.*

Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

Unmarked vehicles used in general police work, arson investigations, and passenger vehicles, station wagons, and buses owned or operated by the department of corrections shall be registered and shall display passenger vehicle classification license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these passenger vehicle license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

All other motor vehicles shall be registered and display tax exempt number plates which shall be furnished by the registrar at cost, *except as provided in section 6.*

All vehicles required to display tax exempt number plates shall have the name of the state department or public subdivision on the vehicle plainly printed on both sides thereof in letters not less than 2-1/2 inches high, one inch wide and of a three-eighths inch stroke; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required printing on the sides of the vehicle. Such printing shall be in a color giving a marked contrast with that of the part of the vehicle on which it is placed and shall be done with a good quality of paint that will endure throughout the term of the registration. The printing must be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision. The owner of any such vehicle desiring to come under the foregoing exemption provisions shall first notify the chief of the state patrol who shall provide suitable seals and cause the same to be affixed to any such vehicle.

Sec. 6. Minnesota Statutes 1984, section 168.012, is amended by adding a subdivision to read:

Subd. 1c. (a) The annual fee for trailer license plates issued to a tax-exempt vehicle under this section is \$5 for each plate.

(b) The annual fee for license plates issued to all other tax-exempt vehicles is a \$5 administrative handling fee and \$10 for two plates per vehicle.

(c) On and after March 1, 1986, the registration period for a tax-exempt vehicle is biennial and new plates will be issued for the life of the vehicle. Fees are due on March 1 biennially and payable the preceding January 1, with validating stickers issued at time of payment. If the tax-exempt vehicle is newly registered for less than the two-year period, the fee must be apportioned by six-month increments, but in no event may the fee be less than \$5 per vehicle.

Sec. 7. Minnesota Statutes 1984, section 168.012, is amended by adding a subdivision to read:

Subd. 11. Semitrailers as defined in section 168.011, subdivision 14, shall not be taxed as a motor vehicle using the public streets and highways and shall display a number plate for identification purposes only.

Sec. 8. Minnesota Statutes 1984, section 168.013, subdivision 1c, is amended to read:

Subd. 1c. [FARM TRUCKS.] (1) On farm trucks having a gross weight of not more than 57,000 pounds, the tax shall be based on total gross weight and shall be 45 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first eight years of vehicle life, but in no event less than \$35, and during the ninth and succeeding years of vehicle life the tax shall be 27 percent of the Minnesota base rate prescribed by subdivision 1e, but in no event less than \$21, except as otherwise provided in this subdivision. On farm trucks having a gross weight of not more than 57,000 pounds during each of the first eight years of vehicle life, the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 34 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 38 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 42 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 45 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of not more than 57,000 pounds during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 20 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 22 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 24 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 27 percent of the Minnesota base rate schedule.

(2) On farm trucks having a gross weight of more than 57,000 pounds, the tax shall be 60 percent of the Minnesota base rate during the first eight years of vehicle life and 36 percent of the Minnesota base rate during the ninth and succeeding years, except as otherwise provided in this subdivision. On farm trucks having a gross weight of more than 57,000 pounds during the first eight years of vehicle life, the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 38 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 45 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 53 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 60 percent of the tax imposed in the Minnesota base rate schedule.

On farm trucks having a gross weight of more than 57,000 pounds, during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 23 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 27 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 31 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 36 percent of the tax imposed in the Minnesota base rate schedule.

In addition to the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

Sec. 9. Minnesota Statutes 1984, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On trucks and tractors except those in this chapter defined as farm trucks, (AND URBAN TRUCKS, AND) on truck-tractor and semitrailer combinations except those defined as farm combinations (AND URBAN COMBINATIONS), and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS		TAX
A	0 - 1,500	\$ 15
B	1,501 - 3,000	20
C	3,001 - 4,500	25
D	4,501 - 6,000	35

E	6,001 - 9,000	45	
F	9,001 - 12,000	70	
G	12,001 - 15,000	105	
H	15,001 - 18,000	145	
I	18,001 - 21,000	190	
J	21,001 - 26,000	270	
K	26,001 - 33,000	360	
L	33,001 - 39,000	(470)	475
M	39,001 - 45,000	(590)	595
N	45,001 - 51,000	(710)	715
O	51,001 - 57,000	(860)	865
P	57,001 - 63,000	(1010)	1015
Q	63,001 - 69,000	(1180)	1185
R	69,001 - 73,280	(1320)	1325
S	73,281 - 78,000	(1520)	1525
T	78,001 - 81,000	(1620)	1625

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to subdivision 12.

Truck-tractors except those herein defined as farm (AND URBAN TRUCK-TRACTORS) and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor. (IN ADDITION, TO THE GROSS WEIGHT TAX IMPOSED ON THE TRUCK-TRACTOR, EACH SEMITRAILER SHALL BE TAXED A FEE OF \$10 FOR A ONE YEAR PERIOD OR \$50 FOR A FIVE YEAR PERIOD WHICHEVER THE APPLICANT ELECTS.)

Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or,

(2) operated by an interstate carrier registered under section 221.61 or 221.62, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation by the interstate commerce commission pursuant to United States Code, title 49, section 10526(b).

The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the penalty therefor, shall have the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to re-register the vehicle at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall be refunded during the balance of the registration year.

On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during the first eight years of vehicle life shall be 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax shall be 50 percent of the Minnesota base rate schedule, except as otherwise provided in this subdivision. On commercial zone trucks, during the ninth and succeeding years of vehicle life, the tax shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 35 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 40 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 45 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR, AND EACH SUCCEEDING YEAR,) 50 percent of the tax imposed in the Minnesota base rate schedule.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except

for those urban trucks and combinations and commercial zone vehicles specifically provided for in this subdivision, the tax for the first eight years of vehicle life shall be 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax shall be 75 percent of the Minnesota base rate prescribed by this subdivision, except as otherwise provided in this subdivision.

On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those (URBAN TRUCKS AND COMBINATIONS AND) commercial zone vehicles specifically provided for in this subdivision, during each of the first eight years of vehicle life the tax shall be (:)

((A) FOR THE REGISTRATION YEAR 1982, 83 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE REGISTRATION YEAR 1983, 89 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE REGISTRATION YEAR 1984, 95 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE REGISTRATION YEAR 1985, AND EACH SUCCEEDING YEAR,) 100 percent of the tax imposed in the Minnesota base rate schedule.

Sec. 10. Minnesota Statutes 1984, section 168.013, subdivision 1g, is amended to read:

Subd. 1g. [RECREATIONAL VEHICLES.] Self-propelled recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight and the tax shall be graduated according to the Minnesota base rate schedule prescribed in subdivision 1e, but in no event less than \$20, except as otherwise provided in this subdivision.

For all self-propelled recreational vehicles, the tax for the ninth and succeeding years of vehicle life shall be (:)

((A) FOR THE 1982 REGISTRATION YEAR, 64 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((B) FOR THE 1983 REGISTRATION YEAR, 68 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((C) FOR THE 1984 REGISTRATION YEAR, 72 PERCENT OF THE TAX IMPOSED IN THE MINNESOTA BASE RATE SCHEDULE;)

((D) FOR THE 1985 REGISTRATION YEAR AND EACH SUCCEEDING YEAR,) 75 percent of the tax imposed in the Minnesota base rate schedule.

Towed recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight at 30 percent of the Minnesota base rate prescribed in subdivision 1e but in no event less than \$5.

Notwithstanding any law to the contrary, all trailers and semitrailers taxed pursuant to this section shall be exempt from any wheelage tax now or hereafter imposed by any political subdivision or political subdivisions.

Sec. 11. Minnesota Statutes 1984, section 168.013, subdivision 16, is amended to read:

Subd. 16. [REPAIR AND SERVICING PERMIT.] Upon the written application of the owner of a motor vehicle registered and taxed as a commercial zone truck, (AN URBAN TRUCK,) a truck tractor, a semitrailer, or any combination thereof in accordance with this section, the registrar may grant permission in writing to such owner to operate such vehicle to and from a repair shop or service station outside of its licensed zone of operation for the limited purpose of repair or servicing. The application and any permit issued under this subdivision shall state the location of the repair or servicing facility, together with such other information and subject to such conditions as the registrar may specify. Any motor vehicle operated under such a permit shall carry no load.

Sec. 12. Minnesota Statutes 1984, section 168.021, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL PLATES; APPLICATION FOR ISSUANCE.] When a motor vehicle registered under section 168.017, (OR A SELF-PROPELLED MOTOR VEHICLE WITH A MANUFACTURER'S RATED CAPACITY OF 2,000 POUNDS OR LESS,) or a self-propelled recreational vehicle, is owned or primarily operated by a physically handicapped person, the owner may apply for and secure from the registrar of motor vehicles two license number plates with attached emblems, one plate to be attached to the front, and one to the rear of the vehicle. Application for issuance of these plates must be made at the time of renewal or first application for registration.

Sec. 13. Minnesota Statutes 1984, section 168.09, is amended by adding a subdivision to read:

Subd. 5. On semitrailers as defined in section 168.011, subdivision 14, a number plate must be assigned to the registered owner as identification for the vehicle and correlate with the certificate of title documentation on file with the department. This number plate shall not display a year designator. The registration card must indicate the number plate for the number plate to be valid.

Sec. 14. Minnesota Statutes 1984, section 168.27, subdivision 11, is amended to read:

Subd. 11. [LICENSESES.] Upon the filing of an application for a license and the proper fee, the registrar is authorized, unless the application on its face appears to be invalid, to grant a 90 day temporary license and during said 90 day period shall investigate the fitness of the applicant, inspect the site and make such other investigation as is necessary to insure compliance with the licensing law. The registrar may extend the temporary license 30 days. At the end of the period of investigation the license shall either be granted or denied. If the application is approved, the registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. Each initial application for a license shall be accompanied by a fee of \$50 in addition to the annual fee. The annual fee shall be (\$76) \$100. All initial fees and annual fees which shall be paid into the state treasury and credited to the general fund. If the initial application is received by the registrar after July 1 of any year, the first annual fee shall be reduced by one-half.

Sec. 15. Minnesota Statutes 1984, section 168.29, is amended to read:

168.29 [DUPLICATE PLATES.]

In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$5 shall issue a new set of plates (, PROVIDED THAT IF THE \$5 FEE EXCEEDS THE ANNUAL TAX, THE FEE SHALL BE THE SAME AS THE ANNUAL TAX. DUPLICATE PLATES FOR TAX EXEMPT VEHICLES LICENSED UNDER SECTION 168.012, SUBDIVISION 1, ARE FURNISHED BY THE REGISTRAR AT COST). The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of \$1 fee.

Sec. 16. Minnesota Statutes 1984, section 168.31, subdivision 4, is amended to read:

Subd. 4. [INSTALLMENTS.] If the tax for a vehicle assessed under section 168.013 or 168.187 amounts to more than \$400, the owner may pay such tax by installments. The owner shall tender with his application for registration one-third of the annual tax due or \$400, whichever is greater, plus any penalties or arrears, plus a fee of \$10. *Instead of this fee, the applicant may furnish a bond, bank letter of credit, or certificate of deposit approved by the registrar of motor vehicles, for the total of the tax still due. The amount of the bond, letter of credit, or certificate of deposit may include any penalties which are assessed. The bond, letter of credit, or certificate of deposit shall be for the benefit of the state for monetary loss caused by failure of the vehicle owner to pay delinquent license fees and penalties.* The remainder of the tax due shall be paid in two equal installments; the due date of the first installment shall be the first day of the fifth month of the registration period for which the tax is assessed and the second installment shall be due on the first day of the ninth month of the registration period for which the tax is assessed. (THE REGISTRAR SHALL ISSUE NO REGISTRATION CERTIFICATE UNTIL THE FULL AMOUNT OF THE TAX HAS BEEN PAID. IN LIEU OF SUCH REGISTRATION CERTIFICATE, THE REGISTRAR SHALL ISSUE TO THE OWNER A RECEIPT FOR INSTALLMENTS PAID, WHICH RECEIPT SHALL BE DISPLAYED UPON THE WINDSHIELD OF THE VEHICLE AS EVIDENCE THAT UNDER THE PROVISIONS OF THIS SECTION THE VEHICLE MAY BE OPERATED ON THE STREETS AND HIGHWAYS OF THIS STATE.) *When the applicant elects to pay the administrative fee, the registrar shall issue to the applicant validation stickers for the installment paid. When the applicant elects to furnish a bond, bank letter, or letter of deposit, the registrar shall issue validation stickers for the registration year.* If an owner of a vehicle fails to pay an installment on or before the due date thereof, the vehicle shall not use the public streets or highways in this state until the installment or installments of the tax remaining due on such vehicle shall have been paid in full for the licensed year together with a penalty at the rate of \$1 per day for the remainder of the month in which the balance of the tax becomes due and \$4 a month for each succeeding month or fraction thereof during which the balance of the tax remains unpaid. Upon the payment of the balance of the tax and the penalties, the registrar shall issue a registration certificate to the owner of the vehicle in the manner provided by law. The registrar shall deny installment payment privileges provided in this subdivision in the subsequent year to any owner on any or all vehicles of such owner who during the current year fails to pay any installment due within one month after the due date.

Sec. 17. Minnesota Statutes 1984, section 168.33, subdivision 7, is amended to read:

Subd. 7. [FEES.] In addition to all other statutory fees and taxes, a filing fee of \$3.25 is imposed on every application (. THE FILING FEE SHALL BE \$2.50 EFFECTIVE AUGUST 1, 1981, AND 3.25 EFFECTIVE JANUARY 1, 1983); *except that a filing fee may not be charged for a document returned for a refund or for a correction of an error made by the department or a deputy registrar.* The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.

Sec. 18. Minnesota Statutes 1984, section 169.79, is amended to read:

169.79 [VEHICLE REGISTRATION.]

No person shall operate, drive or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates for the current year only, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate is not obstructed. *If the vehicle is a semitrailer, the number plate displayed must be assigned to the registered owner and correlate to the certificate of title documentation on file with the department and shall not display a year indicator.* If the vehicle is a motorcycle, motor scooter, motorized bicycle, motorcycle sidecar, trailer, semitrailer, or vehicle displaying a dealer plate, one plate shall be displayed on the rear thereof; if the vehicle is a truck-tractor, road-tractor or farm truck, as defined in section 168.011, subdivision 17, but excluding from that definition semi-trailers and trailers, one plate shall be displayed on the front thereof; if it is any other kind of motor vehicle, one plate shall be displayed on the front and one on the rear thereof. All plates shall be securely fastened so as to prevent them from swinging. The person driving the motor vehicle shall keep the plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering shall be plainly visible at all times. *License plates issued to vehicles registered under section 168.017 must display the month of expiration in the lower left corner as viewed facing the plate and the year of expiration in the lower right corner as viewed facing the plate.*

Sec. 19. Minnesota Statutes 1984, section 171.02, subdivision 2, is amended to read:

Subd. 2. [VOLUNTEER FIREFIGHTERS; TRUCKS AND EMERGENCY EQUIPMENT; MIDMOUNT AERIAL LADDER TRUCK.] Drivers' licenses shall be classified according to the types of vehicles which may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly. No class of license shall be valid to operate a motorcycle or school bus unless so endorsed. There shall be three general classes of licenses as follows:

(a) Class C; valid for all farm trucks as defined in section 168.011, subdivision 17, operated by the owner or an immediate member of his family or an employee not primarily employed for the purpose of operating the farm truck or employed for the purpose of operating the farm truck during harvest for the first, continuous transportation of agricultural products from the place of production or on farm storage site to any other location within 50 miles of the place of the production or on farm storage site, fire trucks and emergency fire equipment, regardless of the number of axles, and whether or not in excess of (24,000) 26,000 pounds GVW, driven or operated by volunteer firefighters while on duty, and all single unit two-axle vehicles not in excess of (24,000) 26,000 pounds GVW including vehicles with a temporary auxiliary axle as defined in section 169.67, subdivision 4. Holder may also tow trailers under 10,000 pounds GVW including house trailers. Buses as defined under this chapter may not be driven by a holder of a class C license. A person employed as a tillerman by a fire department may drive the rear portion of a midmount aerial ladder truck with a class C license.

(b) Class B; valid for all vehicles in class C and all other single unit vehicles including buses.

(c) Class A; valid for any vehicle or combination thereof.

Sec. 20. Minnesota Statutes 1984, section 171.06, subdivision 4, is amended to read:

Subd. 4. [APPLICATION, FILING.] Any applicant for an instruction permit, a driver's license, restricted license, or duplicate license may file an application with a clerk of the district court or at a state office. The clerk or state office shall receive and accept the application. To cover all expenses involved in receiving, accepting, or forwarding to the department applications and fees, the clerk of the district court may retain a county fee of \$1 for each application for a Minnesota identification card, instruction permit, duplicate license, driver license, or restricted license. The amount allowed to be retained by the clerk of the district court shall be paid into the county treasury and credited to the general revenue fund of the county. The clerk of court shall forward all applications and fees, less the amount herein allowed to be retained for expense, to the department within (TEN DAYS OF THE RECEIPT BY HIM) *72 hours of the final day of any established reporting period.* The clerks of the district courts may appoint agents to assist in accepting applications, but the clerks shall require every agent to forward to the clerk by whom he is appointed all applications accepted and fees collected by him, except that an agent may retain one-half of the \$1 county fee to cover his expenses involved in receiving, accepting or forwarding the applications and fees. The clerks of court shall be responsible for the acts of agents appointed by them and for the forwarding to the department of all applications accepted and those fees collected by agents and by themselves as are required to be forwarded to the department.

Sec. 21. Minnesota Statutes 1984, section 171.17, is amended to read:

171.17 [REVOCATION.]

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) Manslaughter or criminal (NEGLIGENCE) *vehicular operation* resulting from the (OPERATING) *operation* of a motor vehicle;

(2) Any violation of section 169.121 or 609.487;

(3) Any felony in the commission of which a motor vehicle was used;

(4) Failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

(6) Except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months any of the provisions of chapter 169, or of the rules, regulations, or municipal ordinances enacted in conformance therewith (FOR) which (THE ACCUSED MAY BE PUNISHED UPON CONVICTION BY IMPRISONMENT) *are certified by a court or defined in chapter 169 as a misdemeanor. For the purpose of driver license revocation under this section, a violation classified in chapter 169 as a petty misdemeanor, when preceded by two or more petty misdemeanor convictions within the immediately preceding 12-month period, is a misdemeanor;*

(7) Conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license.

When any judge of a juvenile court, or any of its duly authorized agents, shall determine, formally or informally, that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report such determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post-office a notice addressed to the licensee at his last known address, with postage prepaid thereon.

Sec. 22. Minnesota Statutes 1984, section 171.20, is amended by adding a subdivision to read:

Subd. 4. [REINSTATEMENT FEE.] A person whose drivers license has been suspended under section 171.18 or 171.182 must pay a \$20 fee before the license is reinstated, except that a suspension may be rescinded without fee for good cause.

Sec. 23. Minnesota Statutes 1984, section 171.21, is amended to read:

171.21 [(COPIES OF) DEPARTMENT RECORDS AS EVIDENCE.]

An official department record certified by the commissioner shall be received in any court in Minnesota as prima facie evidence of the driving record of the subject of the record. Copies of any of the files or records of the department certified by the commissioner as being true copies shall be received in evidence in any court in this state with the same force and effect as the originals.

Sec. 24. Minnesota Statutes 1984, section 171.321, subdivision 2, is amended to read:

Subd. 2. The (STATE BOARD OF EDUCATION AND THE) commissioner, in consultation with the commissioner of education, shall (JOINTLY) prescribe rules governing the qualifications of individuals to drive school buses.

Sec. 25. Minnesota Statutes 1984, section 297B.12, is amended to read:

297B.12 [(CONFIDENTIAL) PRIVATE NATURE OF INFORMATION.]

It shall be unlawful for the motor vehicle registrar, deputy registrars or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any purchaser's certificate or any information concerning affairs of any person making such certificate acquired from his records, officers or employees except in connection with (THE PROCEEDING INVOLVING TAXES DUE UNDER LAWS 1971, CHAPTER 853) state or federal tax proceedings or upon request of the person named on the certificate. Nothing herein contained should be construed to prohibit the publishing of statistics so classified as not to disclose the identity of particular purchasers' certificates and the contents thereof. Any person

violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 26. Laws 1982, chapter 639, section 10, is amended to read:

Sec. 10. PUBLIC SAFETY. (100,000) 200,000

To the commissioner of public safety to establish and equip a decentralized animated audio-visual traffic accident reconstruction system. (THIS MONEY SHALL BE USED IN CONJUNCTION WITH FEDERAL GRANTS OR PRIVATE CONTRIBUTIONS.) This appropriation is from the trunk highway fund.

Sec. 27. [TRANSFERRING RESPONSIBILITIES; AUTHORITY.]

(a) *The responsibilities, as defined in Minnesota Statutes, section 15.039, subdivision 1, held by the Minnesota department of transportation, relating to enforcement of motor carrier and hazardous material transportation regulations, rules, and laws, are transferred to the state patrol division of the department of public safety pursuant to Minnesota Statutes, section 15.039.*

(b) *The 19 employees of the enforcement section, office of motor carrier safety and compliance, department of transportation are transferred to the department of public safety pursuant to section 15.039, subdivision 7.*

The commissioner of finance, pursuant to Minnesota Statutes, section 15.039, subdivision 6, shall allocate proportionately the unexpended balance of any appropriation for the transfer or agency that is represented by the transferred responsibilities and employees to the transferee agency.

Sec. 28. [INVESTIGATIONS; HEARINGS; REORGANIZATION ORDERS.]

The commissioner of administration shall exercise the powers and procedures authorized by Minnesota Statutes, sections 16B.36, 16B.37, and other applicable laws to effect the purposes of section 26 without undue delay.

Sec. 29. [REPORT TO THE LEGISLATURE.]

Pursuant to Minnesota Statutes, section 16B.37, the commissioner of administration, no later than January 15, 1986, shall submit to the legislature a bill making all statutory changes required by reorganization orders necessary to effect the purposes of sections 26 and 27 and issued by the commissioner during 1985, or otherwise required to effect the purposes of this act.

Sec. 30. [REPEALER.]

Minnesota Statutes 1984, section 168.013, subdivision 1i; and 168.105, subdivision 4, are repealed.

Sec. 31. [EFFECTIVE DATE.]

Sections 27 to 29 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; requiring revocation of driver's license upon conviction of crime of fleeing from peace officer; expanding definition of misdemeanor for purpose of driver's license revocation; authorizing prima facie evidentiary status for certified department driver records; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; transferring certain motor carrier enforcement responsibilities and personnel between agencies; prescribing fees; providing for a traffic accident reconstruction system; appropriating money; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1, and by adding subdivisions; 168.013, subdivisions 1c, 1e, 1g, and 16; 168.021, subdivision 1; 168.09, by adding a subdivision; 168.27, subdivision 11; 168.29; 168.31, subdivision 4; 168.33, subdivision 7; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.20, by adding a subdivision; 171.21; 171.321, subdivision 2; 297B.12; and Laws 1982, chapter 639, section 10; repealing Minnesota Statutes 1984, sections 168.013, subdivision 1i; and 168.105, subdivision 4."

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

The report was adopted.

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

H. F. No. 1189, A bill for an act relating to metropolitan government; metropolitan transit; establishing requirements relating to membership on the regional transit board; funding the local transit subsidy program; providing for the distribution of local transit assistance funds in the metropolitan area by the regional transit board; extending unclassified coverage to certain employees; giving the transit board condemnation authority; expanding the transit commission to five members and providing per diem compensation for its chair; making various changes in contract transit programs; authorizing issuance of bonds by the board; giving the board authority over regular route fares; appropriating money; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1 and 2; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4; 473.384, subdivision 6; 473.386, subdivision 2; 473.39, by adding a subdivision; 473.404, subdivisions 2, 3, and 7; and 473.408, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 15.0591, subdivision 2, is amended to read:

Subd. 2. [BODIES AFFECTED.] A member meeting the qualifications in subdivision 1 shall be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board for community colleges;
- (5) board of examiners for nursing home administrators;
- (6) board on aging;
- (7) cable communications board;
- (8) chiropractic examiners board;
- (9) consumer advisory council on vocational rehabilitation;
- (10) council for the handicapped;
- (11) council on affairs of Spanish-speaking people;
- (12) council on black Minnesotans;
- (13) dentistry board;

- (14) department of economic security advisory council;
- (15) higher education coordinating board;
- (16) housing finance agency;
- (17) Indian advisory council on chemical dependency;
- (18) medical examiners board;
- (19) medical policy directional task force on mental health;
- (20) (METROPOLITAN TRANSIT COMMISSION OR ITS SUCCESSOR) *regional transit board*;
- (21) Minnesota emergency employment development task force;
- (22) Minnesota office of volunteer services advisory committee;
- (23) Minnesota state arts board;
- (24) mortuary sciences advisory council;
- (25) nursing board;
- (26) optometry board;
- (27) pharmacy board;
- (28) physical therapists council;
- (29) podiatry board;
- (30) psychology board;
- (31) veterans advisory committee.

Sec. 2. Minnesota Statutes 1984, section 174.32, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] A transit assistance program is established to provide transit assistance within the state (. THE COMMISSIONER SHALL PROVIDE FINANCIAL ASSISTANCE) from the fund created in subdivision 2 to eligible recipients for transit service activities as provided in this section.

Sec. 3. Minnesota Statutes 1984, section 174.32, subdivision 2, is amended to read:

Subd. 2. [TRANSIT ASSISTANCE FUND; DISTRIBUTION.] A transit assistance fund is created for the purpose of receiving money distributed under section 297B.09. (THE COMMISSIONER SHALL DISTRIBUTE 80) *Eighty* percent of the

receipts of the fund must be placed into a metropolitan account for distribution to recipients located in the metropolitan area and 20 percent into a separate account for distribution to recipients located outside of the metropolitan area. The regional transit board created by section 473.373 is responsible for distributing assistance from the metropolitan account, and the commissioner is responsible for distributing assistance from the other account.

Sec. 4. Minnesota Statutes 1984, section 174.32, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE RECIPIENTS.] A legislatively established public transit commission; a public authority organized and existing under chapter 398A; a county or statutory or home rule charter city operating, intending to operate, or providing financial assistance to a transit service; a rail authority; or a private operator of public transit is eligible for assistance under the program. *The National Railroad Passenger Corporation, known as Amtrak, and any trolley system outside the metropolitan area are not eligible for assistance under the program.*

Sec. 5. Minnesota Statutes 1984, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] The following employees, if they are in the unclassified service of the state and are eligible for coverage under the Minnesota state retirement system, shall participate in the unclassified program unless an employee gives notice to the executive director of the state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file notice with the executive director shall be deemed to have exercised the option to participate in the unclassified plan.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general or the state board of investment,

(2) The head of any department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 4,

(3) Any permanent, full-time unclassified employee of the legislature or any commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43A.08, subdivision 1, clause (c), or subdivision 1a or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level,

(5) The (CHAIRMAN) *chair*, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission (,); *the chair, executive director, and not to exceed three positions at the division director or assistant to the chair level of the regional transit board; a chief administrator who is an employee of the metropolitan transit commission;* and the (CHAIRMAN) *chair*, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system,

(7) The clerk of the appellate courts appointed pursuant to Article VI, Section 2, of the Constitution of the state of Minnesota,

(8) The chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services,

(9) Any employee whose principal employment is at the state ceremonial house,

(10) Employees of the Minnesota educational computing corporation, and

(11) Any employee of the world trade center board.

Sec. 6. Minnesota Statutes 1984, section 473.373, subdivision 4, is amended to read:

Subd. 4. [TERMS.] The initial terms of members and the chair *appointed under Laws 1984, chapter 654, article 3, section 116*, commence on the first day after July 1, 1984, that the chair and at least seven other members have been appointed and quali-

fied and expire on the first day that the chair and eight members appointed under section 473.141 and this section are appointed and qualified. By July 1, 1985, the appointing authorities shall appoint a chair and eight members from the districts defined in section 473.141. The initial terms of members and the chair appointed in 1985 are as follows: members representing commission districts (, B, E, F, J, K, L, AND N,) A, B, C, and D and the chair of the board, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts (A, C, D, G, H, I, AND M,) E, F, G, and H for terms ending the first Monday in January of the year ending in the numeral "9." Thereafter the term of each member and the chair is four years, subject to the provisions on apportionment, successor qualification, removal, and vacancy of section 473.141, subdivisions 4a, 5, and 6.

Sec. 7. Minnesota Statutes 1984, section 473.375, subdivision 4, is amended to read:

Subd. 4. [PROPERTY.] The board may acquire by purchase, lease, gift, or grant property and interests in property necessary for the accomplishment of its purposes and may sell or otherwise dispose of property which it no longer requires. The board may not rent or lease any premises from a recipient of financial assistance from the board. *Except for the rental or lease of its office space, the board may not acquire or hold any permanent or temporary right, title, or interest in or to real property, including easements or development rights.*

Sec. 8. Minnesota Statutes 1984, section 473.375, is amended by adding a subdivision to read:

Subd. 17. [AUDIT.] *The board must be audited at least once each year. The board may elect to be audited by a certified public accountant or by the state auditor. If the board chooses the state auditor, the state auditor shall audit, either directly or by subcontract, the board's financial accounts and affairs at least once each year. The information in the audit must be contained in the annual report and distributed in accordance with section 473.445, subdivision 3. The board shall pay the total cost of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received for the state audits must be deposited in the revolving fund of the state auditor.*

Sec. 9. Minnesota Statutes 1984, section 473.38, subdivision 2, is amended to read:

Subd. 2. [FINANCIAL PLAN; COUNCIL APPROVAL.] Along with its annual budget, each year the board shall prepare a financial plan for the succeeding three calendar years, *in half-*

year segments. The financial plan must be consistent with the board's implementation plan and must contain the elements specified in section 473.377, subdivision 2, clauses (a), (e), (f), and (g). The financial plan prepared in even-numbered years must contain a proposed request for state financial assistance for the succeeding biennium. The board shall submit the financial plan to the council for review and approval or disapproval. The council may approve or disapprove in whole or in part. The council may disapprove only for inconsistency with the policy plan of the council.

Sec. 10. Minnesota Statutes 1984, section 473.384, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL ASSISTANCE FOR CERTAIN PROVIDERS.] The board shall provide financial assistance to recipients who were receiving assistance by contract with the commissioner of transportation under Minnesota Statutes 1982, section 174.24, subdivision 3 on the effective date of this section so that the percentage of total operating cost, as defined by the board, paid by the recipient from all local sources of revenue, including operating revenue, does not exceed the percentage for *the recipient's classification as determined by the commissioner* of transportation under his final contract with the recipient. The board may include funds received under section 473.446, subdivision 1a, as a local source of revenue. The remainder of the total operating cost will be paid by the board less all assistance received by the recipient for that purpose from any federal source.

If a recipient informs the board in writing prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the board may adjust the percentage as it deems equitable. If for any year the funds available to the board are insufficient to allow the board to pay its share of total operating cost for those recipients, the board shall reduce its share in each classification to the extent necessary.

Sec. 11. Minnesota Statutes 1984, section 473.386, subdivision 2, is amended to read:

Subd. 2. [FINANCING; IMPLEMENTATION; MANAGEMENT AND ADVISORY GROUPS.] The board shall contract for services necessary for the project's operation. All transportation service provided through the project must be provided under a contract between the board and the provider which specifies the service to be provided and the rates for providing it. The board shall establish (A COMMITTEE TO SET) management policies for the project. (THE MANAGEMENT POLICY COMMITTEE MUST INCLUDE THE CHAIRMAN OF THE BOARD OR HIS DESIGNEE, REPRESENTATIVES OF PER-

SONS CONTRACTING TO PROVIDE SERVICES FOR THE PROJECT, REPRESENTATIVES OF USERS OF THE SERVICE, AND REPRESENTATIVES OF APPROPRIATE AGENCIES. THE MEETINGS OF THE MANAGEMENT POLICY COMMITTEE ARE PUBLIC AND MINUTES OF ALL MEETINGS MUST BE TAKEN, PRESERVED, AND MADE AVAILABLE FOR PUBLIC INSPECTION.) The board shall establish an advisory (TASK FORCE) *committee* of individuals representing the elderly, handicapped, and other users of service provided by the project, *representatives of persons contracting to provide services for the project, and representatives of appropriate agencies to advise the board on management (POLICY COMMITTEE) policies for the project.*

Sec. 12. Minnesota Statutes 1984, section 473.388, is amended to read:

473.388 [REPLACEMENT SERVICE PROGRAM.]

Subdivision 1. [PROGRAM ESTABLISHED.] A replacement service program is established to continue the metropolitan transit service demonstration program established in Minnesota Statutes 1982, section 174.265, as provided in this section.

Subd. 1a. [DEFINITIONS.] For purposes of this section "available local transit funds" means 90 percent of the tax revenues which would accrue to the board from the tax it levies under section 473.446 in the applicant city or town or combination thereof.

Subd. 2. [REPLACEMENT SERVICE; ELIGIBILITY.] The transit board may provide assistance *by contract* under the program to a statutory or home rule charter city or town or combination thereof, that:

- (a) is located in the metropolitan transit taxing district;
- (b) is not served by the transit commission or is served only with transit commission bus routes which begin or end within the applying city or town or combination thereof; and
- (c) has fewer than four scheduled runs of metropolitan transit commission bus service during off-peak hours defined in section 473.408, subdivision 1.

Eligible cities or towns or combinations thereof may apply on behalf of a transit operator with whom they propose to contract for service.

The board may not provide assistance under this section to a statutory or home rule charter city or town unless the city or town was receiving assistance under Minnesota Statutes 1982,

section 174.265 or had submitted an application or a letter of intent to apply for assistance under that section by July 1, 1984.

Subd. 3. [APPLICATION FOR ASSISTANCE.] An application for assistance under this section must:

(a) describe the existing service provided to the applicant by the transit commission, including the estimated number of passengers carried and the routes, schedules, and fares;

(b) describe the transit service proposed for funding under the (DEMONSTRATION) *replacement service* program, including the anticipated number of passengers and the routes, schedules, and fares; and

(c) indicate the total amount of available local transit funds, the portion of the available local transit funds proposed to be used to subsidize replacement services, and the amount of assistance requested for the replacement services.

Subd. 4. [FINANCIAL ASSISTANCE.] The board may (GRANT) *agree to provide* the requested financial assistance if it determines that the proposed service: (1) is consistent with the approved implementation plan (AND), (2) is intended to replace the service to the applying city or town or combination thereof by the transit commission, and (THAT THE PROPOSED SERVICE) (3) will meet the needs of the applicant at least as efficiently and effectively as the existing service.

The amount of assistance which the board may provide under this section may not exceed the sum of:

(a) the portion of the available local transit funds which the applicant proposes to use to subsidize the proposed service; and

(b) *from state funds made available to the board, an amount of financial assistance bearing an identical proportional relationship to the amount under clause (a) as the total amount of state-funded financial assistance to the transit commission bears to the total amount of assistance to the transit commission from taxes collected by the board under section 473.446. (THE BOARD SHALL PAY THE AMOUNT TO BE PROVIDED TO THE RECIPIENT FROM THE ASSISTANCE THE BOARD WOULD OTHERWISE PAY TO THE TRANSIT COMMISSION.)*

(FOR PURPOSES OF THIS SECTION "AVAILABLE LOCAL TRANSIT FUNDS" MEANS 90 PERCENT OF THE TAX REVENUES WHICH WOULD ACCRUE TO THE BOARD FROM THE TAX IT LEVIES UNDER SECTION 473.446 IN THE APPLICANT CITY OR TOWN OR COMBINATION THEREOF.)

Subd. 5. [OTHER ASSISTANCE.] A city or town receiving assistance under this section may also receive assistance from the board under section 473.384. In applying for assistance under that section an applicant must describe the portion of the available local transit funds which (ARE) is not obligated to subsidize replacement service and which the applicant proposes to use to subsidize additional service. An applicant which has exhausted its available local transit funds may use any other local subsidy funds to complete the required local share.

Subd. 5a. [OPTION TO INCREASE AVAILABLE LOCAL FUNDS; STATE MATCH.] For the purpose of increasing the amount of available local transit funds, a city or town that is applying for assistance under this section or under this section and section 473.384 may elect to be excluded from any tax reduction otherwise required by section 473.446, subdivision 1. The election may be made, following approval of the application by the board, for taxes payable in 1986 and for each year thereafter that the city or town has a contract with the board for assistance under the program. The county auditor may not reduce the tax as required under section 473.446, subdivision 1, in each year that a city or town notifies the auditor that it has elected to be excluded from the reduction and has entered into a contract with the board to use the additional available local transit funds as the local share required for transit assistance under this section or section 473.384.

Subd. 6. [ASSUMPTION OF PROGRAM.] The board shall certify to the commissioner of transportation when it has adopted an approved interim implementation plan and is ready to assume responsibility for the metropolitan transit service demonstration program administered by the commissioner under Minnesota Statutes 1982, section 174.265. On receipt of the certification (BY), the commissioner (HE) shall make no further contracts under that program and shall assign all contracts then in effect under that program to the board, and the contracts at that time become obligations of the board.

Sec. 13. [473.389] [TRANSIT DEMONSTRATION PROJECTS.]

Subdivision 1. [REQUEST FOR PROPOSALS.] In order to encourage local and private initiative in transit projects under sections 473.384, 473.386, and 473.388, the board shall request proposals for projects designed to demonstrate methods of improving the efficiency and effectiveness of public transit service for specific service areas or markets within the metropolitan area. The board shall issue the requests by publication in newspapers of general circulation in the area and by mail to operators of transit in the area, to organizations representing users of transit, and to each metropolitan county, statutory and home rule charter city, and town in the area. The notice must include a general description of the transit policies of the council and the

board; the availability of planning data from the council, the board, and the transit commission; and the financial and other assistance the board is able to provide under this section and sections 473.382 to 473.388.

Subd. 2. [CONTENT OF PROPOSALS.] A proposal must contain at least the following information:

(a) a method and schedule for evaluating and reporting on the success of the demonstration project, specific standards and criteria for judging whether the project is successful, and a specific date for terminating the project if it proves unsuccessful;

(b) a description of the financial and other resources that the proposer is able to commit to the demonstration project over a specified period of time and the financial or other constraints that hinder the development and implementation of the project;

(c) a request for a specific amount of financial or other assistance from the board over a specified period of time.

Subd. 3. [LOCAL REVIEW AND PARTICIPATION.] On each proposal received, the board shall request review and comment from each city, town, and county in a proposed geographic service area that is not a participant in submitting the proposal. The board may request the city, town, or county to commit financial or other resources to the demonstration project.

Subd. 4. [TIME FOR PROPOSALS.] The board shall issue the first round of requests for proposals under this section by July 1, 1985. Proposals must be returned to the board for consideration in the first round by January 1, 1985. The board shall evaluate and act to approve or disapprove proposals submitted in the first round by April 1, 1986.

Sec. 14. Minnesota Statutes 1984, section 473.39, is amended to read:

473.39 [BORROWING MONEY.]

Subdivision 1. [GENERAL AUTHORITY.] The (TRANSIT BOARD) council, if (AUTHORIZED) requested by vote of at least two-thirds of all (ITS) of the members of the transit board, may borrow money on terms, and in the manner (IT) the council deems proper to provide funds for expenditure by the board to implement its approved capital development program. The council may not unreasonably withhold the issuance of obligations for a capital development program that has been approved by the council. The (BOARD) council may not issue obligations pursuant to this subdivision in excess of the amount specifically authorized by law. A loan made under this section

and interest thereon shall be payable from collections of any funds of the board not otherwise appropriated by law and not otherwise pledged by resolution of the board. The loans may be evidenced by certificates of indebtedness, bonds, or other obligations, to which the board *and council* may pledge money received upon collection of the tax authorized by section 473.446 or received as proceeds of bonds issued under this section or any other revenue of the board. The loans may also be secured by a security interest in property acquired in whole or in part from their proceeds. The obligations are not a charge, lien, or encumbrance upon and may not be enforced against any property of the board *or council* except tax collections and bond proceeds specifically pledged (BY THE BOARD) and security interests granted by (IT) *by the board and council*. In the enforcement or collection of the obligations, exercise of the taxing power of the board *or council* may not be required unless the board (HAS) *and council have* specifically pledged tax levies or tax collections authorized by section 473.446 to the payment of the obligations. The obligations are not a debt of the state or any municipality or political subdivision within the meaning of any debt limitation or requirement pertaining to those entities. Neither the state, nor any municipality or political subdivision except the *council and board*, nor any member or officer or employee of (IT) *the board or council*, is liable on the obligations.

Subd. 1a. [AMOUNT.] The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$7,000,000 for expenditure as prescribed in the capital development program of the board required by section 473.377, subdivision 2, clause (a).

Subd. 2. [LEGAL INVESTMENTS.] Certificates of indebtedness, bonds, or other obligations issued by the (BOARD) council to which tax levies have been pledged pursuant to section 473.446, are proper for investment of any funds by a bank, savings bank, savings and loan association, credit union, trust company, insurance company, or public or municipal corporation, and may be pledged by any bank, savings bank, savings and loan association, credit union, or trust company as security for the deposit of public money.

Subd. 3. [TEMPORARY BORROWING.] After the board has adopted a budget, the (BOARD) council may borrow money in amounts (IT DEEMS NECESSARY) the board requests, which may be used or expended by the board for any purpose, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the board. The indebtedness must be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to a resolution authorizing their issuance. The resolution must set forth the form and manner of execution of the notes and must contain other terms and conditions the board (DEEMS) and council deem necessary

or desirable to provide security for the holders of the notes. The note or notes are payable from committed or appropriated money from taxes, grants or loans of the state or federal government made to the board, or other revenues of the board, and the money may be pledged to the payment of the notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the principal and interest of the notes must be paid from any taxes, income, and revenue received or accrued during the fiscal year in which the note or notes were issued, or other money of the board lawfully available therefor.

Sec. 15. [473.398] [RAIL TRANSIT.]

Subdivision 1. [RESTRICTION.] The metropolitan council, the regional transit board, and the metropolitan transit commission may not, separately or in combination, expend or obligate any money from any source for study, planning, design, engineering, acquisition, construction, or any other purpose relating to facilities for transporting passengers by cars operating on fixed rails, except as provided in subdivisions 2 and 3. No political subdivision in the metropolitan area, either by itself or by arrangement with another person, may commence or continue to plan, design, engineer, acquire, or construct such facilities without first submitting the proposed undertaking to the regional transit board for review and approval or disapproval. If the board approves a proposal submitted by a political subdivision under this section, no public funds may be spent or obligated until the proposal is submitted to the ballot of voters in the political subdivision making the proposal, except as otherwise provided in subdivisions 2 and 3.

Subd. 2. [SERVICE CHARGE; STATE MATCH.] Any city having a circulation service area under section 473.408, subdivision 4, may establish a transit service improvement board. The improvement board must be appointed by the governing body of the city and must consist of no more than six members, two members representing the city and four members representing owners of property within the service area. The improvement board shall elect a chair and other officers it deems necessary. An improvement board may act singly or by joint agreement under section 471.59 with any local government unit and with an improvement board established within any other city. An improvement board may elect to have imposed a service charge within the service area up to an annual rate of \$. . . per square foot of building space on all property classified under section 273.13, subdivision 9, for the purpose of preparing and implementing a transit service improvement plan for the service area and related design and engineering studies. The plan may include replacement service, new service within or to the service area, or circulator service, using buses, vans, cars operating on fixed rails, or other means. The transit service improvement plan must be submitted to the regional transit board before imple-

mentation for review and approval or disapproval. An improvement board electing to have imposed a service charge under this subdivision must have the approval of the regional transit board and must notify the county auditor by September 1 of the election for the next succeeding calendar year. The county auditor shall assess the service charge against property within the boundaries of the district, as approved by the regional transit board. The service charge must be listed on the property tax statement. Collection, enforcement, and penalties are as provided for taxes on the property. The proceeds of the charge must be paid to the regional transit board, as provided for property taxes collected under section 473.446, for transfer to the improvement board. From state funds made available to the regional transit board, the regional board shall pay to the improvement board an amount equal to the local funding made available as a result of the election under this subdivision.

Subd. 3. [RAIL TRANSIT PLANS.] Any plan prepared under subdivision 2 for fixed rail transit facilities must provide for 50 percent funding of the acquisition and operation of the facilities by a service charge in the service area.

Sec. 16. Minnesota Statutes 1984, section 473.404, subdivision 7, is amended to read:

Subd. 7. [COMPENSATION.] Each member, including the chair, must be compensated as provided for commission members in section 473.141, subdivision 7.

Sec. 17. Minnesota Statutes 1984, section 473.405, subdivision 12, is amended to read:

Subd. 12. [MANAGEMENT CONTRACTS.] Notwithstanding any of the other provisions of sections 473.401 to 473.451, the commission may, in lieu of directly operating any public transit system or any part thereof, enter into contracts for management services. The contracts may provide for compensation, incentive fees, the employment of personnel, the services provided, and other terms and conditions that the commission deems proper.

The commission may not permit a contract manager to supervise or manage internal audit activities. Internal audit activity must be supervised and managed directly by the commission. The commission shall advertise for bids and select contracts for management services through competitive bidding. The term of the contract may not be longer than two years. The contract must include clear operating objectives, stating the service policies and goals of the commission in terms of the movement of various passenger groups, and performance criteria, by means of which success in achieving the operating objectives can be measured. (EMPLOYEES OF A CONTRACT MANAGER MAY SERVE ONLY IN THE OPERATIONS DIVISION.) The com-

mission shall consider and determine the feasibility and desirability of having all its transit management services provided internally by employees of the commission.

The employees of any public transit system operated pursuant to the provisions of this subdivision for the purpose of resolving any dispute arising under any existing or new collective bargaining agreement relating to the terms or conditions of their employment, may either engage in a concerted refusal to work or to invoke the processes of final and binding arbitration as provided by chapter 572, subject to any applicable provisions of the agreement not inconsistent with law.

Sec. 18. Minnesota Statutes 1984, section 473.408, is amended by adding a subdivision to read:

Subd. 2a. [BOARD AUTHORITY.] The board is responsible for establishing and enforcing uniform fare policies for transit in the metropolitan area. The policies must be stated in the board's three-year transit service implementation and financing plan. The policies must be consistent with the requirements of this section and the council's transportation policy plan. The policies in the board's approved plan replace and supersede all legislative restrictions and mandates with respect to fares except those stated in this section. The commission and other operators shall charge fares in accordance with the policies prescribed in the approved implementation plan of the transit board. The commission and other operators shall submit their fare schedules to the board for approval.

Sec. 19. Minnesota Statutes 1984, section 473.408, subdivision 4, is amended to read:

Subd. 4. [(DOWNTOWN) CIRCULATION FARES.] The commission and other operators may charge (NOT LESS THAN TEN CENTS) a reduced fare for service on any route providing circulation service in a downtown area or community activity center. The commission and other operators shall not contribute more than 50 percent of the operating deficit of any such route that is confined to a downtown area or community activity center. The boundaries of service districts eligible for reduced fares under this subdivision must be approved by the board.

Sec. 20. Minnesota Statutes 1984, section 473.435, subdivision 2, is amended to read:

Subd. 2. [AUDIT.] The commission must be audited at least once each year. The commission may elect to be audited by a certified public accountant or by the state auditor. If the commission chooses the state auditor, the (TRANSIT COMMISSION SHALL EMPLOY A CERTIFIED PUBLIC ACCOUNTANT OR FIRM TO) state auditor shall make an

(ANNUAL) audit, *either directly or by subcontract, of the commission's financial accounts and affairs (FOR THE LAST FISCAL YEAR ON OR BEFORE NOVEMBER 30 OF EACH YEAR, AND) at least once each year.* Copies of the *auditor's report (THEREOF)* shall be filed and kept open to public inspection in the offices of the secretary of the commission, the board, and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445. *The commission shall pay the total cost of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The state auditor may bill monthly or at the completion of the audit. All collections received for the state audits must be deposited in the revolving fund of the state auditor.*

Sec. 21. Minnesota Statutes 1984, section 473.446, subdivision 1, is amended to read:

473.446 [TRANSIT TAX LEVIES.]

Subdivision 1. [TAXATION WITHIN TRANSIT TAXING DISTRICT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the regional transit board shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued or to be issued (PURSUANT TO SECTION) *under sections 473.436 and 473.39* for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission *or board* has specifically pledged tax levies under this clause.

The county auditor shall reduce the tax levied pursuant to this subdivision on all property within *statutory and home rule charter cities (OR) and towns* that receive full peak service and limited off-peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.5 mills on the prop-

erty. The county auditor shall reduce the tax levied pursuant to this subdivision on all property within *statutory and home rule charter cities (OR) and towns* that receive limited peak service by an amount equal to the tax levy that would be produced by applying a rate of 0.75 mills on the property. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under section 275.29. Any prior year adjustments shall also be certified in the abstracts of tax lists. The commissioner shall review the certifications to determine their accuracy. He may make changes in the certification as he may deem necessary or return a certification to the county auditor for corrections. The commissioner shall pay to the regional transit board the amounts certified by the county auditors on the dates provided in section 273.13, subdivision 15a, clause (3). There is annually appropriated from the general fund in the state treasury to the department of revenue the amounts necessary to make these payments in fiscal year 1987 and thereafter.

For the purposes of this subdivision, "full peak and limited off-peak service" means peak period *regular route* service, plus weekday midday *regular route* service (WITH A FREQUENCY OF MORE) at intervals longer than 60 minutes on the route with the greatest frequency; and "limited peak period service" means peak period *regular route* service only.

Sec. 22. Minnesota Statutes 1984, section 473.446, subdivision 1a, is amended to read:

Subd. 1a. [TAXATION WITHIN TRANSIT AREA.] For the purposes of sections 473.401 to 473.451, and the metropolitan transit system, the (METROPOLITAN TRANSIT COMMISSION) *regional transit board* shall levy upon all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district, defined in subdivision 2, a transit tax, which shall be equal to ten percent of the sum of the levies provided in subdivision 1, clauses (a) to (c). The proceeds of this tax shall be used only for paratransit services or ride sharing programs designed to serve persons located within the transit area but outside of the transit taxing district.

Sec. 23. Minnesota Statutes 1984, section 473.446, subdivision 2a, is amended to read:

Subd. 2a. [PROTECTION OF RIGHTS OF HOLDERS OF OUTSTANDING INDEBTEDNESS.] The provisions of subdivisions 1 and 2 or any other law changing the boundaries of the metropolitan transit taxing district or reducing the levy otherwise required to be levied within the district shall not be deemed to impair the rights of holders of outstanding indebtedness (OF THE COMMISSION) to require the (CERTIFICATION TO THE TRANSIT BOARD) *levy* of property taxes, if necessary to provide for any deficiency in accordance with the conditions of

such indebtedness, on all property within the limits of the metropolitan transit taxing district as such limits were in effect at the date of issuance of such indebtedness.

Sec. 24. Minnesota Statutes 1984, section 473.446, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION AND COLLECTION.] On or before October 10 in each year the (COMMISSION) *regional transit board* shall certify the total amount of the tax levied pursuant to subdivision 1 to the auditor of each metropolitan county. Each county auditor shall then assess and extend upon the tax rolls in his county that proportion of the tax which the assessed value of taxable property in his county bears to the assessed value of all taxable property in the metropolitan area. Each county treasurer shall collect and make settlement of such taxes with the treasurer of the (COMMISSION) *board*. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the (COMMISSION) *board* for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Sec. 25. [REVENUE STUDY FOR MAJOR TRANSIT ACTIVITY CENTERS.]

A major transit activity center task force shall be created consisting of nine members, including three members of the house of representatives from both political parties appointed by the speaker, three members of the senate from both political parties appointed by the majority leader, one member from the Minneapolis downtown business community appointed by the mayor of Minneapolis, one member from the St. Paul business community appointed by the mayor of St. Paul, and one member from a business in a high activity center receiving substantial transit service appointed by the chair of the regional transit board.

In order to pay for the high level of transit service to and within the downtowns the task force shall study alternative ways of providing additional revenue for existing and future increases in transit service from service districts within the major transit activity areas, particularly the downtowns. The task force shall review alternative financing arrangements including the use of special assessments, service fees, and property taxes to produce additional revenue both to pay for existing high levels of service and new services, the effects of various rates for assessments, fees, and taxes, and possible boundaries for these districts. A list of the advantages and disadvantages of such a policy shall be included in the study.

The task force shall report to the legislature by January 15, 1986. The task force shall make use of available staff in the

legislature, from regional operations, and other contributed assistance.

Sec. 26. [FARES.]

The regional transit board shall prepare, as part of the implementation plan required by section 473.377, a statement of the policies that will govern the imposition of user charges for various types of transit service and the policies that will govern decisions by the board to increase or change fares. Following review by the council under section 473.377, the board shall submit the plan to the 1987 session of the legislature, along with its three-year financial plan. The three-year financial plan must contain schedules of user charges and changes in user charges required to implement the plan. During the period beginning January 1, 1985, and ending January 1, 1988, total revenue from fares for all regular route service must produce annually not less than 35 percent of total operating costs for that service. During this period, whenever the board's current financial plan shows, for any calendar year, that total revenue from fares for all regular route service is expected to be less than 35 percent of total operating cost for that service, the board shall amend its fare policies to require a change in fares that will bring fare revenue for that year into conformance with this section.

Sec. 27. [APPROPRIATIONS.]

Public Transportation Assistance

Summary by Fund

General	\$	\$
Transit Assistance	\$	\$

This appropriation is made to the commissioner of transportation.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Nonmetropolitan Transit

Assistance; \$ \$

Summary by Fund

General	\$	\$
Transit Assistance	\$	\$

(b) Metropolitan Transit

Assistance \$ \$

Summary by Fund

General \$ \$

Transit Assistance \$ \$

(c) Metropolitan Transit

Administration \$ \$

Summary by Fund

General \$ \$

The appropriations in clauses (b) and (c) are for transfer to the regional transit board; provided that, notwithstanding the provisions of Laws 1984, chapter 654, article 3, sections 63, 66, 67, 68, 69, 70, 71, 72, 153, subdivision 1, and 154, the commissioner may use as much as may be needed to enter into and administer contracts after June 30, 1985, under sections 174.23, 174.24, 174.265, and 174.31 for financial assistance during calendar year 1986 to providers of transit in the metropolitan area, until such time as the regional transit board has certified its readiness to assume existing contracts of the commissioner under sections 473.384, 473.386, and 473.388.

The unobligated portions of the transit assistance fund made available by the appropriation in Laws 1984, chapter 654, article 3, section 1, clause (i) do not cancel on June 30, 1985. The metropolitan portion is available for transfer to the regional transit board for expenditure by the board during the period ending June 30, 1987, as provided in section 174.32 and this section. The nonmetropolitan portion is available for transit assistance in nonmetropolitan areas during the period ending June 30, 1987.

Of the funds appropriated in clause (b), \$ is available in the second year of the biennium for assistance by contract to transit demonstration projects under section 13.

Of the funds appropriated in clause (b), \$..... is available for expenditure under section 15, subdivision 2.

The funds appropriated or made available in this section to the regional transit board are for expenditure by the board as prescribed in the schedules required by section 473.377, subdivision 2, clauses (e), (f), and (g), to be contained in the board's approved three-year interim transit service implementation and financing plan.

The chair of the regional transit board shall submit to the chairs of the house appropriations and local and urban affairs committees and the senate transportation and finance committees, for their review and comment, any changes in the schedules in the board's three-year interim transit service implementation and financing plan, if the changes alter the distribution or use prescribed by the schedules of the funds appropriated or made available in this section. The changes must be submitted for review at least 30 days before adoption by the board. Comments are advisory only.

Sec. 28. [REPEALER.]

Minnesota Statutes 1984, sections 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3a, 3b, and 5; 473.436; 473.438; and 473.446, subdivision 6, are repealed.

Sec. 29. [APPLICATION.]

Sections 6 to 26 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 30. [EFFECTIVE DATE.]

Sections 1 to 29 are effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to transit; metropolitan government; amending various provisions relating to the membership, administration, and funding of the regional transit board and the metropolitan transit commission, funding for local transit subsidy programs, and the distribution of transit assistance funds; making various changes in contract transit programs; authorizing issuance of bonds; appropriating money; amending Minne-

sota Statutes 1984, sections 15.0591, subdivision 2; 174.32, subdivisions 1, 2, and 3; 352D.02, subdivision 1; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1984, sections 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3a, 3b, and 5; 473.436; 473.438; and 473.446, subdivision 6."

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

The report was adopted.

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

H. F. No. 1258, A bill for an act relating to human services; changing county social service allocations; amending Minnesota Statutes 1984, sections 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; and 256E.09, subdivision 1; repealing Minnesota Statutes 1984, sections 256E.06, subdivision 7; and 256E.08.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 256D.22, is amended to read:

256D.22 [REIMBURSEMENT OF COUNTIES BY STATE RELATING TO (PUBLIC ASSISTANCE) ADMINISTRATIVE COSTS.]

Subdivision 1. For the fiscal year beginning July 1, 1985, to the extent of appropriations available therefor, the (DEPARTMENT) commissioner of human services shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering, and salary administrative costs in providing services in connection with, all public assistance programs. (NO AID UNDER THIS SECTION SHALL BE PAID FOR SALARY COSTS OF (A) SINGLE COUNTY WELFARE DIRECTORS; OR (B) FISCAL SUPPORT PERSONNEL TO THE EXTENT INVOLVED IN THE PROCESSING OF PUBLIC ASSISTANCE CLAIMS AND PAYMENTS,

OR THEIR SUPPORTING CLERICAL STAFF; OR (C) PERSONS WHO ARE NOT REGULARLY ASSIGNED EMPLOYEES OF LOCAL AGENCIES. CLAIMS FOR REIMBURSEMENT FOR EXPENDITURES MADE BY THE COUNTY SHALL BE PRESENTED TO THE DEPARTMENT BY THE RESPECTIVE COUNTIES AT LEAST FOUR TIMES PER YEAR IN SUCH MANNER AS THE COMMISSIONER SHALL PRESCRIBE. FOR THE PURPOSES OF THIS SECTION, THE TERM "SALARY" SHALL INCLUDE REGULAR COMPENSATION NOT IN EXCESS OF THAT PAID SIMILARLY SITUATED STATE EMPLOYEES, THE EMPLOYER'S COST OF HEALTH BENEFITS AND CONTRIBUTIONS TO THE APPROPRIATE RETIREMENT SYSTEM, BUT SHALL NOT INCLUDE TRAVEL OR OTHER REIMBURSABLE EXPENSES. THE COMMISSIONER SHALL, PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, PRIOR TO MAKING ANY PAYMENTS, PROMULGATE RULES TO IMPLEMENT THIS SECTION.)

Subd. 2. For all fiscal years beginning on or after July 1, 1986, the commissioner of human services shall reimburse counties up to 50 percent of all salary expenses, approved by the commissioner, incurred and paid by the counties, for which no payment or reimbursement is made by the United States or any subdivision thereof, in administering, and salary administrative costs in providing services in connection with, all public assistance programs. Reimbursement must not exceed 40 percent of the available appropriation and must be distributed according to the ratio of the eligible administrative expenses for a county to the eligible expenses incurred by all counties. The remaining appropriation must be distributed to counties eligible according to the following four categories. Appropriations in these four categories will be distributed according to the ratio of eligible administrative expenses for the county to the eligible expenses incurred by all counties eligible for each category:

(1) one-fourth to counties which, for the previous four quarters, have submitted the aid to families with dependent children summary of abstract and statistical report, the quarterly expense and revenue report, and the report of assistance for refugees, within the deadlines identified by the commissioner;

(2) one-fourth to counties which for the previous 12 months have placed no mentally retarded children in state hospital facilities for a period in excess of one year;

(3) one-fourth to counties that have filed applications for supplemental security income on behalf of each client who has received general assistance payments from the county for a period in excess of the previous 24 months; and

(4) *one-fourth to counties with a ratio of total child support collections to total child support administrative costs that is equal to or greater than the statewide average of total collections to total costs for the previous fiscal year or whose ratio has increased from their previous fiscal year by ten percent.*

Subd. 3. Aid must not be paid under this section for salary costs of persons who are not regularly assigned employees of local agencies. Claims for expenditures must be presented to the commissioner by the respective counties at least four times each year in the manner prescribed by the commissioner. For purposes of this section, "salary" means regular compensation not in excess of that paid similarly situated state employees and the employer's cost of health benefits and contributions to the appropriate retirement system, but does not include travel or other reimbursable expenses.

Sec. 2. Minnesota Statutes 1984, section 256E.05, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Identify and then amend or repeal the portions of all applicable department rules which mandate counties to provide specific community social services or programs, unless state or federal law requires the commissioner to mandate a service or program. The commissioner shall be exempt from the rulemaking provisions of chapter 14 in amending or repealing rules pursuant to this clause. However, when the commissioner proposes to amend or repeal any rule under the authority granted by this clause, notice shall be provided by publication in the state register. When the commissioner proposes to amend a rule, the notice shall include that portion of the existing rule necessary to provide adequate notice of the nature of the proposed change. When the commissioner proposes to repeal an entire rule, he need only publish that fact, giving the exact citation to the rule to be repealed. In all cases, the notice shall contain a statement indicating that interested persons may submit comment on the proposed repeal or amendment for a period of 30 days after publication of the notice. The commissioner shall take no final action until after the close of the comment period. The commissioner's actions shall not be effective until five days after the commissioner publishes notice of adoption in the state register. If the final action is the same as the action originally proposed, publication may be made by notice in the state register that the amendment and repeals have been adopted as proposed, and by citing the prior publication. If the final action differs from the action as previously proposed in the state register, the text

which differs from the original proposal shall be included in the notice of adoption together with a citation to the prior state register publication. The commissioner shall provide to all county boards separate notice of all final actions which become effective under this clause, advising the boards with respect to services or programs which have now become optional, to be provided at county discretion;

(c) Provide to the chairman of each county board, in addition to notice required pursuant to sections 14.05 to 14.36, timely advance notice and a written summary of the fiscal impact of any proposed new rule or changes in existing rule which will have the effect of increasing county costs for community social services;

(d) Provide training, *technical assistance*, and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(e) *In cooperation with an advisory committee consisting of representatives of counties, professional groups, and advocacy organizations, develop standards for planning, monitoring, and evaluating social services provided by county boards;*

(f) Design and implement a method of monitoring and evaluating (THE) social services (DELIVERED WITHIN THE STATE, AND ASSURE), *including site visits that utilize quality control audits to ensure county compliance with applicable standards, guidelines, and the county and state social services plans;*

((F)) (g) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social services and recommendations for changes needed to fully implement state social service policies; and

((G)) (h) Request waivers from federal programs as necessary to implement sections 256E.01 to 256E.12.

Sec. 3. Minnesota Statutes 1984, section 256E.06, subdivision 2, is amended to read:

Subd. 2. [MAXIMUM FUNDING; ALLOCATION.] No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. If the amount allocated to any county pursuant to subdivision 1 is greater than this amount, the excess shall be reallocated to all counties in direct proportion to their initial allocations.

If the amount allocated to any county under subdivision 1 and the preceding paragraph is less than the minimum funding level of that county, its allocation must be raised to its minimum share through an equal percentage reduction applied to all other county allocations. If the state appropriation is insufficient to fund all counties at the minimum level, each county's allocation must be reduced proportionately.

Sec. 4. Minnesota Statutes 1984, section 256E.06, subdivision 2a, is amended to read:

Subd. 2a. [(STATE TRANSFER OF FUNDS) **MINIMUM FUNDING LEVEL; STATE AIDS.**] Notwithstanding (SUBDIVISIONS 1 AND 2, FOR THE PURPOSE OF FUNDING TRAINING AND HABILITATION SERVICES PROVIDED TO RESIDENTS OF INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED PERSONS AS REQUIRED UNDER FEDERAL REGULATION, THE COMMISSIONER IS AUTHORIZED TO TRANSFER ON A QUARTERLY BASIS TO THE MEDICAL ASSISTANCE STATE ACCOUNT FROM EACH COUNTY'S COMMUNITY SOCIAL SERVICES ACT ALLOCATION AN AMOUNT EQUAL TO THE STATE SHARE OF MEDICAL ASSISTANCE REIMBURSEMENT FOR SUCH SERVICES PROVIDED TO CLIENTS FOR WHOM THE COUNTY IS FINANCIALLY RESPONSIBLE. UPON FEDERAL APPROVAL AND STATE IMPLEMENTATION OF THE STATE MEDICAL ASSISTANCE PLAN, COUNTY BOARDS WILL NOT BE RESPONSIBLE FOR THE FUNDING OF TRAINING AND HABILITATION SERVICES AS A SOCIAL SERVICE TO RESIDENTS OF INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. COUNTY BOARD RESPONSIBILITY FOR TRAINING AND HABILITATION SERVICES SHALL BE ASSUMED UNDER SECTION 256B.20. COUNTY BOARDS CONTINUE TO BE RESPONSIBLE FOR FUNDING DEVELOPMENTAL ACHIEVEMENT CENTER SERVICES NOT COVERED UNDER THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED BY UNITED STATES CODE, TITLE 42, SECTIONS 1396 TO 1396P, AS AMENDED THROUGH DECEMBER 31, 1982, AND SHALL DEVELOP CONTRACTUAL AGREEMENTS FOR THESE SERVICES UNDER THE AUTHORITY OF THIS CHAPTER) *subdivision 1, the minimum state aids for each county for community social services shall be:*

(1) *for the last six months of calendar year 1985, not less than 50 percent of the state money received for calendar year 1984;*

(2) *for calendar year 1986, not less than 100 percent of the state money received for calendar year 1985; and*

(3) *for the first six months of calendar year 1987, not less than 50 percent of the state money received for calendar year 1986.*

Sec. 5. Minnesota Statutes 1984, section 256E.06, is amended by adding a subdivision to read:

Subd. 2b. [TRANSFER FOR DAY TRAINING AND HABILITATION.] For purposes of calculating community social service payments after July 1, 1985, "state money received" means the total community social service aids minus the amount of community social service dollars transferred to medical assistance to pay the state share of medical assistance for eligible recipients receiving day training and habilitation services.

Sec. 6. Minnesota Statutes 1984, section 256E.06, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO COUNTIES.] The commissioner of human services shall make payments for community social services to each county in four installments per year. The commissioner of human services may certify the payments for the first three months of a calendar year based on estimates of the unduplicated number of persons receiving AFDC, general assistance and medical assistance for the prior year. The following three payments shall be adjusted to reflect the actual unduplicated number of persons who received AFDC, general assistance and medical assistance as required by subdivision 1. The commissioner shall ensure that the pertinent payment of the allotment for that quarter is made to each county (ON THE FIRST WORKING DAY AFTER THE END OF EACH QUARTER OF THE CALENDAR YEAR, EXCEPT FOR THE LAST QUARTER OF THE CALENDAR YEAR. THE COMMISSIONER SHALL ENSURE THAT EACH COUNTY RECEIVES ITS PAYMENT OF THE ALLOTMENT FOR THAT QUARTER) no later than the last working day of (THAT) each quarter. This scheduling of payments does not require compliance with subdivision 10.

Sec. 7. Minnesota Statutes 1984, section 256E.06, subdivision 5, is amended to read:

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] In each calendar year, for taxes payable the following year, a county board shall levy upon all taxable property in the county a tax for community social services (AT LEAST EQUAL TO THE AMOUNT DETERMINED IN SUBDIVISIONS 1 AND 2). Money for community social services provided to a county by a municipal levy may, for the purposes of this section, be counted as partial fulfillment of the local levy requirement. All money available to counties pursuant to this section may be used by counties to match federal money.

Sec. 8. Minnesota Statutes 1984, section 256E.06, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO SPEND.] (A COUNTY WHICH HAS NOT SPENT THE AIDS GRANTED UNDER SUBDIVI-

SION 1 FOR COMMUNITY SOCIAL SERVICES WITHIN TWO YEARS OF RECEIVING THOSE AIDS SHALL RECEIVE A REDUCTION IN AID CALCULATED PURSUANT TO SUBDIVISION 1. THIS REDUCTION SHALL BE MADE IN THE CALENDAR YEAR WHICH BEGINS NO MORE THAN 30 MONTHS AFTER THE UNDERSPENDING HAS OCCURRED AND SHALL BE EQUAL TO ONE-HALF THE AMOUNT OF AIDS WHICH WERE NOT SPENT) *Each county shall spend for community social services an amount of local funds at least equal to aids granted under subdivisions 1 and 2. For this purpose, local funds means the community social services levy, fees paid for community social services, and non-public third-party reimbursement for community social services. A county which has not spent local funds at least equal to the aids granted under subdivisions 1 and 2 for community social service expenditures during the calendar year of the allocation, shall receive a reduction in the aids granted under subdivisions 1 and 2 in the following calendar year. The difference between the total payments made for the calendar year and the reduced aid must be deducted from the payments made in the next calendar year. The reduced aid granted under subdivisions 1 and 2 must be calculated as follows:*

(a) *Divide the amount of local funds spent by the amount of local funds required to be spent.*

(b) *Multiply the ratio arrived times the aid calculated under subdivisions 1 and 2.*

Any aid not available to a county due to underspending or inappropriate expenditures shall be reallocated to all other counties according to subdivision 1 and subject to the provisions in subdivision 2.

Sec. 9. Minnesota Statutes 1984, section 256E.06, is amended by adding a subdivision to read:

Subd. 12. [AUDITS.] If an audit results in a change in a county's social services revenues or expenditures and the change affects the amount of state aids allowed under this section, the commissioner shall adjust the aids granted under subdivisions 1 and 2 in the calendar year following the audit, to reflect amounts inappropriately paid in a prior year.

Sec. 10. Minnesota Statutes 1984, section 256E.08, subdivision 1, is amended to read:

Subdivision 1. [RESPONSIBILITIES.] The county board of each county shall be responsible for administration, planning and funding of community social services. Each county board shall singly or in combination with other county boards as provided in section 256E.09 prepare a social services plan and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the

commissioner. The county board shall distribute money available pursuant to sections 256E.06 and 256E.07 for community social services.

The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing:

(1) *information about the symptoms and characteristics of specific problems of the identified groups in order to increase understanding and acceptance by the general public, to help alleviate fears of seeking help, and to enable access to appropriate assistance;*

(2) *an assessment of the needs of each person applying for (SERVICES) assistance which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs (FOR SERVICES). These diagnostic and evaluation activities shall evaluate the functioning of each person with regard to an illness or disability, screen for placement, and determine what services are needed;*

((2)) (3) *protection (FOR SAFETY, HEALTH OR WELL BEING BY PROVIDING SERVICES DIRECTED AT THE GOAL OF ATTAINING THE HIGHEST LEVEL OF INDEPENDENT FUNCTIONING APPROPRIATE TO THE INDIVIDUAL PREFERABLY WITHOUT REMOVING THOSE PERSONS FROM THEIR HOMES) aimed at alleviating urgent needs of each person by the determination of urgent need, shielding persons in hazardous conditions when individuals are unable to care for themselves, and provision of urgently needed assistance;*

((3)) (4) *supportive and rehabilitative activities which assist each person to function at the highest possible level of independence appropriate to the individual preferably without removing those persons from their homes; these activities include both increasing the client level of functioning and maintaining current levels of functioning;*

(5) *a means of facilitating access of physically handicapped or impaired persons to (SERVICES) activities appropriate to their needs; and*

(6) *administrative activities which coordinate and facilitate the effective use of formal and informal helping systems in order to best address client needs and goals. This includes assisting the client in making informed decisions about opportunities and services, assuring timely access to needed assistance, providing opportunities and encouragement for self-help activities, and coordinating all services to meet the client's needs and goals. County case management shall be responsible for determining appropriate care and activities.*

If after appropriate notice a county does not fulfill its responsibilities or is not in compliance with the applicable department rule, the commissioner shall certify a reduction of up to 20 percent of the county's annual community social services act funding, or an equivalent amount from state administrative aids, and the state shall provide the responsibilities in this subdivision. When a county is so notified, it may appeal according to the provisions in section 256E.06, subdivision 10.

Sec. 11. Minnesota Statutes 1984, section 256E.09, subdivision 1, is amended to read:

Subdivision 1. [PLAN PROPOSAL.] (COMMENCING IN 1980, AND EVERY TWO YEARS THEREAFTER, THE COUNTY BOARD SHALL PUBLISH AND MAKE AVAILABLE UPON REQUEST TO ALL RESIDENTS OF THE COUNTY A PROPOSED BIENNIAL COMMUNITY SOCIAL SERVICES PLAN) *In 1986, the county board shall publish a one-year update to its 1985-1986 biennial plan, for calendar year 1987, and make it available upon request to all residents of the county. Beginning in 1987, and every two years after that, the county board shall publish and make available upon request to all residents of the county a proposed biennial community social services plan for the next two calendar years.*

Sec. 12. Minnesota Statutes 1984, section 256E.09, subdivision 2, is amended to read:

Subd. 2. [CITIZEN PARTICIPATION.] The county board shall provide opportunities for participation by citizens in the county (, INCLUDING REPRESENTATIVES OF USERS OF SERVICES,) in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process. *The county board shall include in the biennial plan a summary of the information, comments, and other material submitted by providers of social services and by those user groups identified in section 256E.03, subdivision 2.*

Sec. 13. Minnesota Statutes 1984, section 256E.09, subdivision 3, is amended to read:

Subd. 3. [PLAN CONTENT.] The biennial community social services plan published by the county shall include:

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs, including efforts the county proposes to make in providing for early intervention, prevention and education aimed at minimizing or eliminating the need for services for groups of persons identified in section 256E.03, subdivision 2;

(d) A statement describing how the county will fulfill its responsibilities identified in section 256E.08, subdivision 1 to the groups of persons described in section 256E.03, subdivision 2, and a description of each community social service proposed and identification of the agency or person proposed to provide the service. The plan shall specify how the county proposes to make the following services available for persons identified by the county as in need of services: daytime developmental achievement services, subacute detoxification services, residential services and nonresidential social support services as appropriate for the groups identified in section 256E.03, subdivision 2;

(e) *A description of the services that will be made available to persons whose income is at or below 60 percent of the state median income, including recipients of public assistance;*

(f) The amount of money proposed to be allocated to each service;

((F)) (g) An inventory of public and private resources including associations of volunteers which are available to the county for social services;

((G)) (h) Evidence that serious consideration was given to the purchase of services from private and public agencies *and the criteria used to determine whether services would be purchased;*
(AND)

((H)) (i) Methods whereby community social service programs will be monitored and evaluated by the county; *and*

(j) *The information from providers and users of social services required to be included under subdivision 2.*

Sec. 14. Minnesota Statutes 1984, section 382.18, is amended to read:

382.18 [OFFICIALS NOT TO BE INTERESTED IN CONTRACTS.]

No county official, or deputy or clerk or employee of such official; and no commissioner for tax-forfeited lands or his assistants, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party or in which it is or may be interested or in the furnishing of any

article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price, or expense is payable from the county treasury. *It is not a violation of this section for a county employee to contract with the county to provide family foster care or family day care services for the county.* Any violation of the provisions of this section shall be a gross misdemeanor.

Sec. 15. [REPEALER.]

Minnesota Statutes 1984, section 256E.06, subdivision 7, is repealed.

Sec. 16. [EFFECTIVE DATE.]

Section 14 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; revising methods for determining state payments to counties for administrative costs of public assistance programs; revising the community social services act; requiring the commissioner to develop standards; establishing minimum funding levels; authorizing certain persons to provide foster or family care services; amending Minnesota Statutes 1984, sections 256D.22; 256E.05, subdivision 3; 256E.06, subdivisions 2, 2a, 3, 5, 6, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 2, and 3; and 382.18; repealing Minnesota Statutes 1984, section 256E.06, subdivision 7."

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

The report was adopted.

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

H. F. No. 1274, A bill for an act relating to economic development; creating a council on biotechnology; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 2, line 5, delete "15" and insert "17"

Page 2, line 6, delete "governor" and insert "commissioner of energy and economic development"

Page 2, line 15, delete "nonvoting" and insert "voting"

Renumber sections accordingly

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

Despite Minnesota Statutes, section 174.50 or other law or rule to the contrary, the commissioner of transportation shall allocate money on a 90 percent matching basis with the township of Harmony from the Minnesota state transportation fund for the purpose of replacing or reconstructing the bridge designated by the department of transportation as number L-4749 and located on the border of Iowa and Minnesota in the township of Harmony. The allocation must be disbursed by July 1, 1986, and following approval by the town board of Harmony under section 2.

This section does not prevent the commissioner from seeking matching funds or reimbursement from the state of Iowa and the commissioner may invoke the services and counsel of the attorney general on behalf of the state of Minnesota for such purpose.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective after its approval by a majority of the town board of the township of Harmony, the day after compliance with Minnesota Statutes, section 645.021."

Amend the title as follows:

Page 1, line 2, delete "city" and insert "township"

Page 1, line 3, delete "state-aid" and insert "transportation"

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. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 626.557, subdivision 2, is amended to read:

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

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed to serve adults pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812; (A MENTAL HEALTH PROGRAM RECEIVING FUNDS PURSUANT TO SECTION 245.61;) or a home health agency certified for participation in Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) who is a resident or inpatient of a facility;

(2) who receives services at or from a facility required to be licensed to serve adults pursuant to sections 245.781 to 245.812, except a person receiving outpatient services for treatment of chemical dependency or mental illness;

(3) who receives services from a home health agency certified for participation under Titles XVIII or XIX of the Social Security Act, United States Code, title 42, sections 1395 et seq and 1396 et seq; or

(4) who, regardless of residence or type of service received, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, (OR) by contract, or *by agreement*.

(d) "Abuse" means:

(1) any act which constitutes a violation under sections 609.221 to 609.223, 609.23 to 609.235, 609.322, 609.342, 609.343, 609.344, or 609.345; (OR)

(2) (THE INTENTIONAL AND NONTHERAPEUTIC INFLECTION OF PHYSICAL PAIN OR INJURY, OR ANY PERSISTENT COURSE OF CONDUCT INTENDED TO PRODUCE MENTAL OR EMOTIONAL DISTRESS) *nontherapeutic conduct which produces or could reasonably be expected to produce pain or injury and is not accidental, or any repeated nontherapeutic conduct which produces or could reasonably be expected to produce mental or emotional distress;*

(3) *any sexual contact between a facility staff person and a resident or client of that facility; or*

(4) *the illegal use of a vulnerable adult's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or a person's property for any purpose not in the proper and lawful execution of a trust, including but not limited to situations where a person obtains money, property, or services from a vulnerable adult through the use of undue influence, harassment, duress, deception, or fraud.*

(e) "Neglect" means:

(1) failure by a caretaker to supply (THE) a vulnerable adult with necessary food, clothing, shelter, health care or supervision; (OR)

(2) the absence or likelihood of absence of necessary food, clothing, shelter, health care, or supervision for a vulnerable adult; or

(3) *the absence or likelihood of absence of necessary financial management to protect a vulnerable adult against abuse as defined in paragraph (d), clause (4). Nothing herein shall be construed to require any health care facility to provide any financial management for a vulnerable adult except as otherwise provided by law.*

(f) "Report" means any report received by (THE) a local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.

(g) "Licensing agency" means:

(1) the commissioner of health, for facilities as defined in clause (a) which are required to be licensed or certified by the department of health;

(2) the commissioner of human services, for facilities required by sections 245.781 to 245.813 to be licensed;

(3) any licensing board which regulates persons pursuant to section 214.01, subdivision 2; and

(4) any agency responsible for credentialing human services occupations.

Sec. 2. Minnesota Statutes 1984, section 626.557, subdivision 5, is amended to read:

Subd. 5. [IMMUNITY FROM LIABILITY.] (A) *Any person, including a person voluntarily making (REPORTS) a report and a person required to make (REPORTS) a report under subdivision 3, (PARTICIPATING) who participates in good faith in making or investigating a report or enforcing the law pursuant to this section shall have immunity from any civil liability that otherwise might result from making or investigating the report or enforcing the law.*

Sec. 3. Minnesota Statutes 1984, section 626.557, subdivision 9, is amended to read:

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] (WHEN) A person required to report under the provisions of subdivision 3 *who* has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect (, HE) shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff (AND), the local welfare agency, *and, if applicable, each licensing agency.*

Sec. 4. Minnesota Statutes 1984, section 626.557, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON A RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies may enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the situation in which the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify (THE) *each* appropriate licensing agency (OR AGENCIES), and provide (THE) *each* licensing agency with a copy of the report and of its investigative findings.

(c) *When necessary in order to protect a vulnerable adult from serious harm, the local agency shall immediately intervene on behalf of that adult to help the family, victim, or other interested person by seeking any of the following:*

(1) *a restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to section 518B.01;*

(2) *the appointment of a guardian or conservator pursuant to sections 525.539 to 525.6198, or guardianship or conservatorship pursuant to chapter 252A;*

(3) *replacement of an abusive or neglectful guardian or conservator and appointment of a suitable person as guardian or conservator, pursuant to sections 525.539 to 525.6198; or*

(4) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609.

The expenses of legal intervention must be paid by the county in the case of indigent persons, under section 525.703 and chapter 563.

In proceedings under sections 525.539 to 525.6198, if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee shall present the petition with representation by the county attorney. The county shall contract with or arrange for a suitable person or nonprofit organization to provide ongoing guardianship services. If the county presents evidence to the probate court that it has made a diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator. The county shall not retaliate against the employee for any action taken on behalf of the ward or conservatee even if the action is adverse to the county's interest. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and shall be entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.

Sec. 5. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

Subd. 11a. [DUTIES OF PROSECUTING AUTHORITIES.] Upon receipt of a report from a social service or licensing agency, the prosecuting authority shall immediately investigate, prosecute when warranted, and transmit its findings and disposition to the referring agency."

Amend the title as follows:

Page 1, line 5, delete "8," and delete "11, 12,"

Page 1, line 6, delete "15, 17, and 19,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1443, A bill for an act relating to notaries; providing procedures for various notarial acts; enacting the uniform law on notarial acts; proposing coding for new law in Minnesota Statutes, chapter 358; repealing Minnesota Statutes 1984, sections 358.32 to 358.40.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1984, section 358.15, is amended to read:

358.15 [(BY WHOM TAKEN IN THIS STATE) *EX OFFICIO NOTARY PUBLIC.*]

The following (NAMED) officers (SHALL) have (POWER TO TAKE AND CERTIFY ACKNOWLEDGMENTS) *the powers of a notary public* within the state:

(1) every member of the legislature, while still a resident in the district from which (HE WAS) elected; but (HE SHALL RECEIVE) no fee or compensation *may be received* for (SO DOING) *exercising these powers*. The form of (HIS) *the official signature in (SUCH) these cases (SHALL BE) is: "A.B., Representative (or Senator),* District, Minnesota, *ex officio notary public.* My term expires January 1, 19.....;"

(2) (THE JUDGES AND CLERKS AND DEPUTY CLERKS OF ALL COURTS, RESIDING WITHIN THE STATE, INCLUDING THOSE OF THE CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES, AND RESIDENT UNITED STATES COMMISSIONERS;)

((3) NOTARIES PUBLIC AND) the clerks or recorders of towns, and cities; and

((4)) (3) court commissioners, county recorders, and county auditors, and their several deputies, and county commissioners, all within their respective counties."

Page 1, line 10, delete "1 to 9" and insert "2 to 10"

Page 3, line 15, delete "5" and insert "6"

Page 6, line 1, delete "8" and insert "9"

Page 6, line 12, delete "2" and insert "3"

Page 6, line 16, delete "7" and insert "8"

Page 8, line 13, delete "1 to 9" and insert "2 to 10"

Page 8, line 16, delete "1 to 9" and insert "2 to 10"

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 1984, section 358.15;"

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. 1516, A bill for an act relating to veterans; clarifying certain veteran benefit definitions to include veterans who have served in the Granada campaign or with the peacekeeping forces in the Lebanon campaign; amending Minnesota Statutes 1984, sections 136C.13, subdivision 3; 198.01; and 462A.05, subdivision 19.

Reported the same back with the following amendments:

Page 1, line 26, delete "*the date United*" and insert "*April 1, 1984, and was awarded a campaign ribbon for service during at least one of those campaigns,*"

Page 2, line 1, delete the new language

Page 2, line 4, after "under" insert "*honorable*" and strike "other"

Page 2, line 5, strike "than dishonorable"

Page 3, line 9, delete "*the date United States forces left Lebanon*" and insert "*April 1, 1984*"

Page 3, line 36, delete "*the date United*" and insert "*April 1, 1984, and was awarded a campaign ribbon for service during at least one of those campaigns*"

Page 4, line 1, delete the new language

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

S. F. No. 46, A bill for an act relating to commerce; changing a cross reference relating to undistributed property after dissolution of a cooperative; amending Minnesota Statutes 1984, section 308.14, subdivision 3b.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

S. F. No. 143, A bill for an act relating to real property; changing effective dates for provisions relating to validation of foreclosure sales; amending Minnesota Statutes 1984, section 582.27.

Reported the same back with the following amendments:

Page 2, delete lines 7 and 8

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:

S. F. No. 319, A bill for an act relating to the state board of investment; clarifying powers and duties; amending Minnesota Statutes 1984, sections 11A.14, subdivision 5; 11A.17, subdivision 13; and 11A.24, subdivisions 2, 3, and 4.

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

The report was adopted.

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

S. F. No. 375, A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures con-

tracts; amending Minnesota Statutes 1984, section 61A.28, subdivision 2.

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:

House Concurrent Resolution No. 8, A house concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 208, 450, 552, 593, 655, 723, 818, 886, 1076, 1113, 1417, 1437 and 1443 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 374, 19, 46, 143, 319 and 375 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Knickerbocker and Gutknecht introduced:

H. F. No. 1568, A bill for an act relating to elections; making certain changes in the ethics in government act; changing the time when certain campaign bills must be rendered; amending Minnesota Statutes 1984, sections 10A.02, subdivision 11, and by adding a subdivision; 10A.04, subdivision 4a; 10A.18; 10A.20, subdivisions 3, 5, and 12; 10A.24; 10A.27, subdivision 1; and 210A.24; proposing coding for new law in Minnesota Statutes,

chapter 10A; repealing Minnesota Statutes 1984, sections 10A.02, subdivision 11a; and 10A.25, subdivision 7.

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

Onnen, by request, introduced:

H. F. No. 1569, A bill for an act relating to public employment labor relations; prohibiting public employee bargaining units of less than five people; amending Minnesota Statutes 1984, section 179A.09, subdivision 2.

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

Dempsey introduced:

H. F. No. 1570, A bill for an act relating to agriculture; creating an exception to the corporate farming law; amending Minnesota Statutes 1984, section 500.24, subdivision 3.

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

Gruenes and Piepho introduced:

H. F. No. 1571, A bill for an act relating to housing and redevelopment authorities; extending the authority to provide interest reduction programs through 1987; amending Minnesota Statutes 1984, section 462.445, subdivision 13.

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

Tomlinson introduced:

H. F. No. 1572, A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

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

Redalen; Brinkman; Carlson, D.; Thorson and Neuenschwander introduced:

H. F. No. 1573, A bill for an act relating to taxation; income; allowing a credit for electric heat storage furnaces; extending the residential energy credit; amending Minnesota Statutes 1984, section 290.06, subdivision 14.

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

Vanasek, Rest, Lieder, Sviggum and Bishop introduced:

H. F. No. 1574, A bill for an act relating to taxation; sales and use; permitting a deduction for the costs of collection and remittance; amending Minnesota Statutes 1984, section 297A.26, by adding a subdivision.

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

Dempsey, Quist, Schafer, Uphus and Valan introduced:

H. F. No. 1575, A bill for an act relating to taxation; sales and use; exempting farm machinery; including certain repair parts in the definition of farm machinery; amending Minnesota Statutes 1984, sections 297A.01, subdivision 15; 297A.02, subdivision 2; 297A.14; and 297A.25, subdivision 1.

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

Minne, by request, introduced:

H. F. No. 1576, A bill for an act relating to the city of Hibbing; permitting a special levy to cover the costs of road paving.

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

Dempsey, Tomlinson, Himle, Scheid and Marsh introduced:

H. F. No. 1577, A bill for an act relating to taxation; property; changing the administration and disbursement of certain property tax credits; modifying the process for determining mill rates; changing property classes and classification ratios; changing computation of property tax refunds; appropriating money; amending Minnesota Statutes 1984, sections 47.58, subdivisions 2 and 3; 124.2138, subdivision 2; 272.115, subdivision 4; 273.13, subdivisions 2, 4, 5a, 6, 6a, 7, 7b, 7c, 7d, 8a, 9, 15a, 16, 19, and 21; 273.135, subdivisions 1 and 2; 273.1392; 273.42, subdivision 2; 274.19, subdivision 6; 276.04; 290A.03, subdivisions 13 and 14; 290A.04, subdivisions 2 and 3; 290A.09; 375.192, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 275; repealing Minnesota Statutes 1984, sections 124.2137; 273.115; 273.116; 273.13, subdivisions 14a, 17, 17b, 17c, 17d, and 20; 273.1311; 273.1315; 273.135, subdivision 5; 273.1391; 290A.03, subdivisions 9 and 10; and 290A.04, subdivisions 2a, 2b, 2e, 2f, and 2g.

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

Bishop, Halberg and Vanasek introduced:

H. F. No. 1578, A bill for an act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 6.

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

Battaglia, Elioff and Begich introduced:

H. F. No. 1579, A bill for an act relating to appropriations; appropriating money for construction of a dam on Nett Lake in St. Louis county.

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

Munger, Boo, Jaros and Murphy introduced:

H. F. No. 1580, A bill for an act relating to the city of Duluth; modifying lien rights in connection with the collection of installment payments on municipal home energy loans; amending Laws 1981, chapter 223, section 4, subdivisions 2 and 3.

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

Rose; Olsen, S.; Haukoos; Schreiber and Boerboom introduced:

H. F. No. 1581, A bill for an act relating to education; establishing a scholarship for excellence program; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 136A and 290.

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

Boerboom; Dimler; Carlson, D., and Frerichs introduced:

H. F. No. 1582, A bill for an act relating to motor vehicles; repealing a motor vehicle registration and transfer fee; repealing Minnesota Statutes 1984, section 115A.908.

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

Boerboom introduced:

H. F. No. 1583, A bill for an act relating to soil and water conservation; appropriating money for floodplain management.

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

Shaver, Osthoff, Fjoslien, Scheid and Backlund introduced:

H. F. No. 1584, A bill for an act relating to elections; changing certain filing provisions; providing for training of election judges and election officials; requiring publication of certain election guides; excepting certain election judges from receiving compensation; changing certain canvassing procedures; providing for certain recounts; defining terms; changing certain deadlines; changing certain procedures relating to voting machines; appropriating money; amending Minnesota Statutes 1984, sections 204B.09, subdivision 1; 204B.25, subdivision 1; 204B.27, subdivision 5, and by adding a subdivision; 204B.31; 204C.32, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 206.56, by adding a subdivision; 206.58, subdivision 2, and by adding a subdivision; 206.82, by adding a subdivision; and 206.83.

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

Segal and Pappas introduced :

H. F. No. 1585, 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.

Kelly, Clausnitzer, Greenfield, Staten and Seaberg introduced :

H. F. No. 1586, A bill for an act relating to crimes ; requiring the county attorneys council to develop recommended plea negotiation guidelines ; requiring prosecutors to file written reasons supporting plea agreements with the court following the acceptance of a negotiated guilty plea ; prohibiting sentence negotiations ; proposing coding for new law in Minnesota Statutes, chapters 388 and 630.

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

Hartle and Heap introduced :

H. F. No. 1587, A bill for an act relating to public safety : creating a division of elevator inspection in the department of labor and industry ; providing for duties, powers, and fees ; providing for annual, statewide, certified inspections of elevators by qualified inspectors ; allowing municipalities with qualified elevator inspection programs to be exempt from state inspection ; establishing a study of elevator safety inspections ; requiring a report to the legislature ; prescribing a penalty ; appropriating money ; proposing coding for new law in Minnesota Statutes, chapter 183.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Himle, Schreiber and Scheid introduced :

H. F. No. 1588, A bill for an act relating to taxation ; income ; excluding small foreign sales corporations from the combined report ; amending Minnesota Statutes 1984, section 290.34, subdivision 2.

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

Dempsey introduced:

H. F. No. 1589, A bill for an act relating to collection and dissemination of data; classifying government data as confidential, private, nonpublic, protected nonpublic, and public; clarifying issues relating to classifications of data, access to data, and classifications of inactive investigative data; refining provisions of the data practices act; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding a subdivision; 13.32, subdivision 1; 13.37, subdivision 2; 13.39, by adding a subdivision; 13.46, subdivisions 3 and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, by adding subdivisions; 13.84, subdivisions 1 and 6; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1984, sections 13.73 and 13.81.

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

Gruenes introduced:

H. F. No. 1590, A bill for an act relating to human services; clarifying case management services for the mentally retarded; amending Minnesota Statutes 1984, section 256B.092, subdivision 7, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Onnen introduced:

H. F. No. 1591, A bill for an act relating to human services; requiring licensure of facilities for children and handicapped persons in need of treatment; providing for licensure of certain facilities by the department of human services; allowing licensing of day care units for five or more nonresidents; amending Minnesota Statutes 1984, sections 245.782, subdivision 2; and 245.791; proposing coding for new law in Minnesota Statutes, chapter 245.

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

Boo introduced:

H. F. No. 1592, A bill for an act relating to human services; raising the standards of assistance for families in the general assistance program; limiting monthly payments for facilities with negotiated rates; granting rulemaking authority; appropriating money; amending Minnesota Statutes 1984, section 256D.01, subdivisions 1a and 1b.

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

Schreiber introduced:

H. F. No. 1593, A bill for an act relating to local government aid; modifying the distribution formula for cities; amending Minnesota Statutes 1984, sections 477A.011, subdivision 3, and by adding subdivisions; and 477A.013; repealing Minnesota Statutes 1984, sections 477A.011, subdivision 10; and 477A.0131.

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

Carlson, J., introduced:

H. F. No. 1594, A bill for an act relating to human services; changing provisions of the aid to families with dependent children program; redefining human services assistance terms; clarifying assistance provisions; excluding certain property and income for assistance purposes; establishing a procedure for collection of overpayments; excluding certain women from work registration; changing medical assistance length of eligibility; allowing a \$50 disregard for child support; clarifies assistance application and issuance procedures; clarifying the county of responsibility; amending Minnesota Statutes 1984, sections 256.12, subdivision 20; 256.73, subdivisions 2, 3a, and 6; 256.736, subdivisions 3 and 4; 256.74, subdivisions 1, 1a, and 2; 256.76, subdivision 1; 256.78; 256.79; and 256.871, subdivision 3.

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

Frerichs and Heap introduced:

H. F. No. 1595, A bill for an act relating to economic development; providing for the creation of economic growth areas; providing tax incentives; proposing coding for new law as Minnesota Statutes, chapter 116N.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Otis, Price and Erickson introduced:

H. A. No. 17, A proposal to study pupil to teacher ratios.

The advisory was referred to the Committee on Education.

Kvam; Brandt; Olsen, S.; Brinkman and Levi introduced:

H. A. No. 18, A proposal for study of the appropriate work for the legislature in even-numbered years.

The advisory was referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 70 and 597.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 468, 675, 676 and 798.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 82, 152, 485 and 568.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 126, 281, 563 and 566.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 609, 783, 1073 and 1183.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 441, 557, 827 and 1088.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 302, 647, 750 and 916.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 682 and 930.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 623 and 709.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 693 and 882.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 127, 330 and 728.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 1307 and 1334.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 186, 285, 521 and 1117.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. Nos. 219, 359 and 805.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 381.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 437.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 70, A bill for an act relating to real property; local and metropolitan government; transportation; providing for acquisition and relocation assistance in cases of hardship to owners of homestead property located in a proposed state highway corridor; amending Minnesota Statutes 1984, section 473.167, subdivision 3, and by adding a subdivision.

The bill was read for the first time.

Dimler moved that S. F. No. 70 and H. F. No. 145, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 597, A bill for an act relating to the city of North Mankato; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

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

S. F. No. 468, A bill for an act relating to education; requiring an educational cooperative service unit to conduct a meeting annually to discuss issues of mutual concern and to facilitate coordination and cooperation; amending Minnesota Statutes 1984, section 123.58, by adding a subdivision.

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

S. F. No. 675, A bill for an act relating to highways; allowing road authorities to designate minimum-maintenance roads; exempting road authorities from liability for damages arising from travel on minimum-maintenance roads; amending Minnesota Statutes 1984, sections 160.02, subdivision 7; and 169.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 160.

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

S. F. No. 676, 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.

The bill was read for the first time.

Uphus moved that S. F. No. 676 and H. F. No. 677, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 798, A bill for an act relating to labor; independent school district No. 709; removing educational assistants from civil service; amending Laws 1967, chapter 252, section 2, as amended.

The bill was read for the first time.

Jaros moved that S. F. No. 798 and H. F. No. 918, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 82, A bill for an act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.

The bill was read for the first time.

Beard moved that S. F. No. 82 and H. F. No. 285, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 152, A bill for an act relating to insurance; accident and health; providing for the extraterritorial application of mandated maternity benefits for unmarried women; amending Minnesota Statutes 1984, section 62A.041.

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

S. F. No. 485, A bill for an act relating to commerce; franchises; providing for the assignment, transfer, or sale of a franchise under certain circumstances; providing certain equitable relief; amending Minnesota Statutes 1984, section 80C.14, subdivision 2.

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

S. F. No. 568, A bill for an act relating to education; directing the commissioner of education to form an advisory committee on nonpublic schools; amending Minnesota Statutes 1984, section 123.935, by adding a subdivision.

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

S. F. No. 126, A bill for an act relating to education; requiring post-secondary governing boards to develop procedures to facilitate the transfer of credit between institutions; proposing coding for new law in Minnesota Statutes, chapters 135A and 136.

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

S. F. No. 281, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; providing limitations on the payment of claims; 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.

The bill was read for the first time.

Ogren moved that S. F. No. 281 and H. F. No. 514, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 563, A bill for an act relating to education; requiring the state board of vocational technical education to adopt policies about minimum class size and placement ratios; exempting certain monetary distributions from certain contract procedures; amending Minnesota Statutes 1984, sections 123.33, subdivision 14; 125.031; 136C.04, subdivisions 9 and 12; 136C.042, subdivision 1; 136C.26, subdivision 1; 136C.28, subdivision 1; and 136C.31; repealing Minnesota Statutes 1984, sections 125.055; and 136C.27, subdivision 1.

The bill was read for the first time.

Heap moved that S. F. No. 563 and H. F. No. 476, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 566, A bill for an act relating to civil procedure; providing for the treatment of certain foreign judgments; enacting the Uniform Foreign Country Money-Judgments Recognition Act; proposing coding for new law in Minnesota Statutes, chapter 548.

The bill was read for the first time.

Rees moved that S. F. No. 566 and H. F. No. 891, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 609, A bill for an act relating to human rights; prohibiting the waiver of legal rights or remedies in certain human rights cases; establishing standards for waiver rescission; amending Minnesota Statutes 1984, section 363.031.

The bill was read for the first time.

Halberg moved that S. F. No. 609 and H. F. No. 543, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 783, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; amending Laws 1980, chapter 489, section 1, subdivision 4, and by adding a subdivision.

The bill was read for the first time.

Olson, E., moved that S. F. No. 783 and H. F. No. 967, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1073, A bill for an act relating to taxation; providing for installment payments of deferred special assessments plus interest upon sale of green acres property; amending Minnesota Statutes 1984, section 273.111, subdivision 11.

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

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain

theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

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

S. F. No. 441, A bill for an act relating to the national guard; changing minimum pay for certain enlisted persons; amending Minnesota Statutes 1984, section 192.51, subdivision 2.

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

S. F. No. 557, A bill for an act relating to insurance; removing the limits on credits offered on workers' compensation insurance premiums; amending Minnesota Statutes 1984, section 79.55, by adding a subdivision.

The bill was read for the first time.

Poppenhagen moved that S. F. No. 557 and H. F. No. 545, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 827, A bill for an act relating to marriage dissolution; requiring child support or maintenance obligors to file address or residence changes; amending Minnesota Statutes 1984, section 518.55, by adding a subdivision.

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

S. F. No. 1088, 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.

The bill was read for the first time.

Greenfield moved that S. F. No. 1088 and H. F. No. 1057, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 302, A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, section 118.005.

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

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

The bill was read for the first time.

Erickson moved that S. F. No. 647 and H. F. No. 619, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 750, A bill for an act relating to veterans; authorizing the American Veterans to use space in the veterans service building; amending Minnesota Statutes 1984, section 197.58.

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

S. F. No. 916, 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.

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

S. F. No. 682, A bill for an act relating to human services; eliminating exclusions to licensing of child care programs; establishing qualifications for licensers; amending Minnesota Statutes 1984, sections 245.791; and 245.804, subdivision 1.

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

S. F. No. 930, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public

safety; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.321, subdivision 2; and 297B.12.

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

S. F. No. 623, A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1984, sections 518.552; and 518.64, subdivision 2.

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

S. F. No. 709, A bill for an act relating to courts; raising the jurisdictional limit on claims heard in conciliation court; amending Minnesota Statutes 1984, sections 487.30, subdivision 1; 488A.12, subdivision 3; 488A.14, subdivision 6; 488A.29, subdivision 3; and 488A.31, subdivision 6.

The bill was read for the first time.

McKasy moved that S. F. No. 709 and H. F. No. 1075, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 693, A bill for an act relating to crimes; providing for forfeitures of communications devices and proceeds derived from commission of designated offenses; amending Minnesota Statutes 1984, sections 152.19, subdivision 5; and 609.531.

The bill was read for the first time.

Bishop moved that S. F. No. 693 and H. F. No. 636, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 882, A bill for an act relating to commerce; clarifying submission of applications for directors and officers liability insurance; providing for the withdrawal of certain registration statements; broadening the securities transaction exemptions for isolated sales and limited offerings; repealing the securities transaction for preorganization offerings; simplifying an exemption from franchise registration; providing for disclosure of representation by real estate brokers and salespersons; expand-

ing those officers who may verify corporate broker licenses; altering re-examination requirements for brokers and salespersons who fail to renew their licenses; altering the unclaimed property reporting deadline for life insurance companies; raising the aggregation amount for holders reporting unclaimed property; specifying dates for notifying and advertising owners of abandoned property; and providing for the notification of all lienholders by a unit owners association in an assessment lien foreclosure; amending Minnesota Statutes 1984, sections 60A.08, by adding a subdivision; 80A.10, by adding a subdivision; 80A.13, subdivision 1; 80A.15, subdivision 2; 80C.03; 82.19, subdivision 3, and by adding a subdivision; 82.20, subdivision 4; 82.21, subdivision 1; 82.22, subdivision 10; 82.24, subdivision 4; 345.41; 345.42, subdivisions 1 and 3; and 515A.3-115; proposing coding for new law in Minnesota Statutes, chapter 82.

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

S. F. No. 127, A bill for an act relating to game and fish; authorizing big game licenses for nonresident students at resident fees; amending Minnesota Statutes 1984, section 98.45, subdivision 7.

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

S. F. No. 330, A bill for an act relating to public safety; permitting churches to display christmas trees with decorative lights; amending Minnesota Statutes 1984, section 299F.011, by adding a subdivision.

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

S. F. No. 728, A resolution memorializing the 100th anniversary of the birth of Harry S. Truman, the 33rd President of the United States.

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

S. F. No. 1307, A bill for an act relating to cemeteries; providing for the maintenance of certain cemeteries containing the remains of pioneers and Minnesotans who died through the year 1875; amending Minnesota Statutes 1984, section 306.243, subdivision 1.

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

S. F. No. 1334, 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.

S. F. No. 186, A bill for an act relating to administrative rules; requiring the director of the pollution control agency to give notice of application for a water pollution discharge permit; amending Minnesota Statutes 1984, section 115.03, by adding a subdivision.

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

S. F. No. 285, A bill for an act relating to farm loans; eliminating the limitation on the gross receipts of farms eligible for economic development loans; amending Minnesota Statutes 1984, section 116M.03, subdivision 4.

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

S. F. No. 521, A bill for an act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

The bill was read for the first time.

Sherman moved that S. F. No. 521 and H. F. No. 484, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1117, A resolution memorializing the President and Congress of the United States to amend the Social Security Act to reverse overly-restrictive administrative interpretation of that act.

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

S. F. No. 219, 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.

The bill was read for the first time.

Peterson moved that S. F. No. 219 and H. F. No. 409, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 359, A bill for an act relating to intoxicating liquor; increasing the maximum license fee for off-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, subdivision 14.

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

S. F. No. 805, A bill for an act relating to human services; regulating long-term sheltered workshop; changing the effective date for long-term sheltered workshop evaluation criteria rules; amending Minnesota Statutes 1984, sections 129A.07, subdivision 1; and 129A.08, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 129A.

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

S. F. No. 381, A bill for an act relating to health; specifying nursing home correction order or noncompliance violations and penalties; amending Minnesota Statutes 1984, sections 144A.01, subdivision 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6; 144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a.

The bill was read for the first time.

Greenfield moved that S. F. No. 381 and H. F. No. 655, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 437, A bill for an act relating to insurance; providing for the regulation of fraternal benefit societies; amending Minnesota Statutes 1984, section 61B.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 64B; repealing Minnesota Statutes 1984, sections 64A.01 to 64A.48.

The bill was read for the first time.

Halberg moved that S. F. No. 437 and H. F. No. 552, now on Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 1198, A bill for an act relating to local government; authorizing the creation of a youth coordinating board in the city of Minneapolis.

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

The bill was passed and its title agreed to.

H. F. No. 1382 was reported to the House.

Cohen moved to amend H. F. No. 1382, the first engrossment, as follows:

Amend the title as follows:

Page 1, line 2, delete "in"

Page 1, line 3, delete everything before the semicolon

The motion prevailed and the amendment was adopted.

H. F. No. 1382, A bill for an act relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Uphus
Brinkman	Haukoos	Minne	Rest	Valan
Brown	Heap	Munger	Rice	Valento
Burger	Himle	Murphy	Richter	Vanasek
Carlson, D.	Jacobs	Nelson, D.	Riveness	Voss
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Waltman
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Welle
Clark	Johnson	Norton	Sarna	Wenzel
Clausnitzer	Kahn	O'Connor	Schafer	Wynia
Cohen	Kalis	Ogren	Scheid	Zaffke
Dempsey	Kelly	Olsen, S.	Schoenfeld	Spk. Jennings, D.
DenOuden	Kiffmeyer	Olson, E.	Schreiber	
Dimler	Knickerbocker	Omman	Seaberg	
Dyke	Knuth	Onnen	Segal	
Elioff	Kostohryz	Otis	Sherman	

Those who voted in the negative were:

Ellingson

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

H. F. No. 163, A resolution memorializing the President and Congress to design the 1985 farm bill to preserve the family farm system.

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, R.	Brown	Fjoslien	Himle	Kvam
Backlund	Burger	Forsythe	Jacobs	Levi
Battaglia	Carlson, D.	Frederick	Jaros	Lieder
Beard	Carlson, L.	Frederickson	Jennings, L.	Long
Becklin	Clark	Frerichs	Johnson	Marsh
Begich	Clausnitzer	Greenfield	Kahn	McDonald
Bennett	Cohen	Gruenes	Kalis	McEachern
Bishop	Dempsey	Gutknecht	Kelly	McKasy
Blatz	DenOuden	Halberg	Kiffmeyer	McLaughlin
Boerboom	Dyke	Hartinger	Knickerbocker	McPherson
Boo	Elioff	Hartle	Knuth	Metzen
Brandl	Ellingson	Haukoos	Kostohryz	Miller
Brinkman	Erickson	Heap	Krueger	Minne

Munger	Osthoff	Redalen	Segal	Tompkins
Murphy	Otis	Rees	Sherman	Uphus
Nelson, D.	Ozment	Rest	Simoneau	Valan
Nelson, K.	Pappas	Rice	Skoglund	Valento
Neuenschwander	Pauly	Richter	Solberg	Vanasek
Norton	Peterson	Rodosovich	Sparby	Voss
O'Connor	Piepho	Rose	Stanius	Waltman
Ogren	Piper	Sarna	Staten	Welle
Olsen, S.	Poppenhagen	Schafer	Sviggum	Wenzel
Olson, E.	Price	Scheid	Thorson	Wynia
Omann	Quinn	Schreiber	Tjornhom	Zaffke
Onnen	Quist	Seaberg	Tomlinson	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 580, A bill for an act relating to economic development; providing for the election of certain community development corporation directors; amending Minnesota Statutes 1984, section 116M.04, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 823 was reported to the House.

There being no objection, H. F. No. 823 was continued on the Consent Calendar for one day.

H. F. No. 1374 was reported to the House.

Begich moved that H. F. No. 1374 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 1388, A resolution memorializing the President, Congress, and the Secretary of Agriculture to require certain minimum levels of solids-not-fat in fluid milk marketed for direct human consumption.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Tompkins

The bill was passed and its title agreed to.

S. F. No. 177, A bill for an act relating to crime; allowing the admission of certain out-of-court statements of mentally impaired persons; defining "mentally impaired"; amending Minne-

sota Statutes 1984, sections 260.156; 595.02, subdivision 3; 609.-341, subdivisions 6 and 11; 609.342; 609.343; 609.344; and 609.345.

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

The bill was passed and its title agreed to.

S. F. No. 379 was reported to the House.

There being no objection, S. F. No. 379 was continued on the Consent Calendar for one day.

CALENDAR

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 compu-

tation 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 Minnesota 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden

The bill was passed and its title agreed to.

H. F. No. 755, A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; authorizing the commission to adopt certain medication rules; authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, 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 102 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Backlund	Frederickson	Marsh	Piepho	Sherman
Beard	Greenfield	McDonald	Piper	Simoneau
Becklin	Gruenes	McEachern	Poppenhagen	Solberg
Begich	Gutknecht	McKasy	Price	Sparby
Bennett	Halberg	McLaughlin	Quinn	Stanisus
Blatz	Hartinger	McPherson	Quist	Staten
Boerboom	Haukoos	Metzen	Redalen	Svigum
Boo	Heap	Miller	Rees	Thiede
Brinkman	Himle	Minne	Rest	Thorson
Brown	Jacobs	Murphy	Richter	Tjornhom
Burger	Jaros	Nelson, D.	Riveness	Tompkins
Carlson, D.	Johnson	Nelson, K.	Rodosovich	Uphus
Carlson, J.	Kahn	Neuenschwander	Rose	Valan
Carlson, L.	Kalis	Norton	Sarna	Valento
Clark	Kiffmeyer	Ogren	Schafer	Vanasek
Clausnitzer	Knuth	Olsen, S.	Scheid	Waltman
Dempsey	Krueger	Olson, E.	Schoenfeld	Zaffke
Dyke	Kvam	Osthoff	Schreiber	Spk. Jennings, D.
Elioff	Levi	Otis	Seaberg	
Erickson	Lieder	Ozment	Segal	
Frederick	Long	Pauly	Shaver	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Kostohryz	Peterson	Welle
Battaglia	Forsythe	Munger	Rice	Wenzel
Cohen	Jennings, L.	O'Connor	Skoglund	Wynia
DenOuden	Kelly	Omann	Tomlinson	
Ellingson	Knickerbocker	Pappas	Voss	

The bill was passed and its title agreed to.

H. F. No. 401, A bill for an act relating to solid waste; repealing the exemption for certain solid waste disposal facilities from the certificate of need requirements; repealing Laws 1984, chapter 644, section 83.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Nelson, D.

The bill was passed and its title agreed to.

H. F. No. 779, A bill for an act relating to taxation; changing certain income tax provisions relating to corporations; amending Minnesota Statutes 1984, sections 290.05, subdivision 1; 290.37, subdivision 1; 290.391; 290.42; and 290.931, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Brown	Dyke	Gutknecht	Kalis
Backlund	Burger	Elioff	Halberg	Kelly
Battaglia	Carlson, D.	Ellingson	Hartinger	Kiffmeyer
Beard	Carlson, J.	Erickson	Haukoos	Knickerbocker
Becklin	Carlson, L.	Fjoslien	Heap	Knuth
Bennett	Clark	Forsythe	Himle	Kostohryz
Blatz	Clausnitzer	Frederick	Jacobs	Krueger
Boerboom	Cohen	Frederickson	Jaros	Kvam
Boo	Dempsey	Frerichs	Jennings, L.	Levi
Brandl	DenOuden	Greenfield	Johnson	Lieder
Brinkman	Dimler	Gruenes	Kahn	Long

Marsh	O'Connor	Price	Schreiber	Tomlinson
McDonald	Ogren	Quinn	Seaberg	Tompkins
McEachern	Olsen, S.	Quist	Segal	Uphus
McKasy	Olson, E.	Redalen	Shaver	Valan
McLaughlin	Omann	Rees	Sherman	Valento
McPherson	Onnen	Rest	Simoneau	Vanasek
Metzen	Osthoff	Rice	Skoglund	Voss
Miller	Otis	Richter	Solberg	Waltman
Minne	Ozment	Riveness	Sparby	Wenzel
Munger	Pappas	Rodosovich	Stanius	Wynia
Murphy	Pauly	Rose	Staten	Zaffke
Nelson, D.	Peterson	Sarna	Sviggum	Spk. Jennings, D.
Nelson, K.	Piepho	Schafer	Thiede	
Neuenschwander	Piper	Scheid	Thorson	
Norton	Poppenhagen	Schoenfeld	Tjornhom	

The bill was passed and its title agreed to.

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

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 95 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Kostohryz	Omann	Shaver
Backlund	Elioff	Krueger	Osthoff	Sherman
Battaglia	Fjoslien	Kvam	Ozment	Simoneau
Beard	Frederick	Levi	Pappas	Solberg
Becklin	Frerichs	Lieder	Pauly	Sparby
Begich	Gruenes	Marsh	Peterson	Stanius
Bennett	Gutknecht	McDonald	Piepho	Sviggum
Boerboom	Hartinger	McEachern	Poppenhagen	Thiede
Boo	Hartle	McKasy	Quist	Thorson
Brinkman	Haukoos	McPherson	Redalen	Tjornhom
Brown	Heap	Metzen	Rees	Uphus
Burger	Himle	Miller	Rest	Valan
Carlson, D.	Jacobs	Minne	Richter	Valento
Carlson, J.	Jaros	Munger	Rose	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Sarna	Waltman
Clausnitzer	Johnson	O'Connor	Schafer	Welle
Dempsey	Kalis	Ogren	Scheid	Wenzel
DenOuden	Kiffmeyer	Olsen, S.	Schreiber	Zaffke
Dimler	Knickerbocker	Olson, E.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Blatz	Frederickson	McLaughlin	Piper	Skoglund
Brandl	Greenfield	Murphy	Price	Staten
Clark	Halberg	Nelson, D.	Quinn	Tomlinson
Cohen	Kahn	Nelson, K.	Rice	Tompkins
Ellingson	Kelly	Norton	Rodosovich	Voss
Erickson	Knuth	Onnen	Schoenfeld	Wynia
Forsythe	Long	Otis	Segal	

The bill was passed and its title agreed to.

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. 399 and 507 were recommended to pass.

S. F. No. 625 was recommended to pass.

H. F. Nos. 9 and 618 were recommended for progress.

H. F. Nos. 102 and 633 were recommended for progress retaining their places on General Orders.

H. F. No. 405 was recommended for progress until Monday, April 29, 1985.

H. F. No. 368 which it recommended to pass with the following amendment offered by Dempsey:

Page 1, lines 23 and 24, delete the new language

Page 2, line 2, before the period insert: "*, but does not nullify other charges for dishonored checks or terms or conditions for imposing the charges which have been agreed to by the parties to an express contract*"

H. F. No. 418 which it recommended to pass with the following amendment offered by Dempsey:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 179A.16, is amended by adding a subdivision to read:

Subd. 9. An arbitrator in an interest arbitration held pursuant to this section shall not consider studies of peace officer and firefighter job classes done pursuant to sections 471.991 to 471.999 and Laws 1984, chapter 456, section 1 in reaching a decision on wages or other matters for peace officer and firefighter job classes. The provisions of section 471.993 except the stan-

dards in subdivision 1, clause 2, shall not be used in negotiations or interest arbitration for peace officer and firefighter job classes.

Sec. 2. Minnesota Statutes 1984, section 471.992, is amended to read:

471.992 [EQUITABLE COMPENSATION RELATIONSHIPS.]

Subdivision 1. [ESTABLISHMENT.] Subject to sections 179A.01 to 179A.25 but notwithstanding any other law to the contrary, every political subdivision of this state shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees.

Subd. 2. [ARBITRATION.] In all interest arbitration held pursuant to sections 179A.01 to 179A.25, the arbitrator shall follow the equitable compensation relationship standards established under (LAWS 1984, CHAPTER 651, SECTIONS 1 TO 10) section 471.993 along with other standards appropriate to interest arbitration. The provisions of this subdivision do not apply to interest arbitrations involving peace officer and firefighter job classes.

Subd. 3. [EFFECTIVE DATE.] This section will become effective August 1, 1987.

Sec. 3. Minnesota Statutes 1984, section 471.993, is amended by adding a subdivision to read:

Subd. 3. The provisions of this section do not apply in negotiations or interest arbitration for peace officer and firefighter job classes.

Sec. 4. [471.9966] [EFFECT ON OTHER LAW.]

A political subdivision may specify an amount of funds to be used solely to correct inequitable compensation relationships as well as an amount of funds to be used for general salary increases. The provisions of sections 471.991 to 471.999 do not diminish a political subdivision's duty to bargain in good faith under chapter 179A or sections 179.35 to 179.39.

Sec. 5. [REPEALER.]

Minnesota Statutes 1984, section 471.9965 is repealed."

Further delete the title in its entirety and insert:

"A bill for an act relating to local government; excluding fire-fighter and peace officer job classes from certain aspects of pay equity requirements; amending Minnesota Statutes 1984, section 179A.16, by adding a subdivision; 471.992; 471.993, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 471.9965."

H. F. No. 449 which it recommended to pass with the following amendment offered by Blatz:

Page 13, line 15, delete "*writ*" and insert "*order*"

H. F. No. 558 which it recommended to pass with the following amendment offered by Nelson, D.:

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 18. The commission shall establish a research program to evaluate the effects of mosquito and blackfly control on other fauna. The purpose of the program is to identify the types and magnitude of the adverse effects of the control program on fish and wildlife and associated food chain invertebrates. The commission shall conduct at least half of the research through contracts with qualified outside researchers. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget."

Renumber the remaining section

Further, amend the title as follows:

Page 1, line 4, after the semicolon insert: "requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna;"

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

Page 1, line 5, before the period insert "; and 473.704, by adding a subdivision"

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:

Nelson, D., offered an amendment to H. F. No. 399.

POINT OF ORDER

Olsen, S., raised a point of order pursuant to rule 3.9 that the Nelson, D., amendment was not in order. The Speaker ruled the point of order well taken and the Nelson, D., amendment out of order.

Norton appealed the decision of the Chair.

The vote was taken on the question "Shall the decision of Chairperson Jennings, D., stand as the judgment of the House?" and the roll was called. There were 69 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dimler	Heap	Onnen	Sherman
Backlund	Dyke	Himle	Ozment	Stanius
Becklin	Erickson	Johnson	Pauly	Sviggum
Bennett	Fjoslien	Kiffmeyer	Piepho	Thiede
Bishop	Forsythe	Knickerbocker	Poppenhagen	Thorson
Blatz	Frederick	Kvam	Quist	Tjornhom
Boerboom	Frederickson	Levi	Redalen	Tompkins
Boo	Frerichs	Marsh	Rees	Uphus
Burger	Gruenes	McDonald	Richter	Valan
Carlson, D.	Gutknecht	McKasy	Rose	Valento
Carlson, J.	Halberg	McPherson	Schafer	Waltman
Clausnitzer	Hartinger	Miller	Schreiber	Zaffke
Dempsey	Hartle	Olsen, S.	Seaberg	Spk. Jennings, D.
DenOuden	Haukoos	Omann	Shaver	

Those who voted in the negative were:

Battaglia	Jennings, L.	Minne	Pappas	Simoneau
Beard	Kahn	Murphy	Peterson	Skoglund
Begich	Kelly	Nelson, D.	Piper	Solberg
Brown	Knuth	Nelson, K.	Price	Sparby
Carlson, L.	Kostohryz	Neuenschwander	Quinn	Staten
Clark	Krueger	Norton	Rice	Tomlinson
Cohen	Lieder	O'Connor	Riveness	Vanasek
Elioff	Long	Ogren	Rodosovich	Voss
Ellingson	McEachern	Olson, E.	Sarna	Welle
Greenfield	McLaughlin	Osthoff	Scheid	
Jacobs	Metzen	Otis	Segal	

So it was the judgment of the House that the decision of Chairperson Jennings, D., should stand.

MOTIONS AND RESOLUTIONS

Jacobs moved that the name of Krueger be added as an author on H. F. No. 342. The motion prevailed.

Clark moved that the name of Rose be added as chief author and that the name of Clark be shown as second author and that the name of DenOuden be added as third author and the name of Ogren be added as fourth author on H. F. No. 1056. The motion prevailed.

Brinkman moved that the name of Uphus be added as an author on H. F. No. 1469. The motion prevailed.

Jacobs moved that the names of Skoglund and Bishop be added as authors on H. F. No. 1525. The motion prevailed.

Boo moved that the names of Tjornhom and Hartinger be added as authors on H. F. No. 1548. The motion prevailed.

McKasy moved that the name of Kelly be added as an author on H. F. No. 1549. The motion prevailed.

Begich moved that the names of Battaglia, Minne and Solberg be added as authors on H. F. No. 1565. The motion prevailed.

Frerichs moved that H. F. No. 1014 be recalled from the Committee on Transportation and be re-referred to the Committee on Judiciary. The motion prevailed.

Erickson moved that H. F. No. 1271 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Appropriations. The motion prevailed.

Kvam moved that H. F. No. 1272 be recalled from the Committee on Judiciary and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Fjoslien moved that H. F. No. 1445 be recalled from the Committee on Transportation and be re-referred to the Committee on Crime and Family Law. The motion prevailed.

Piepho moved that H. F. No. 827 be recalled from the Committee on Taxes and be re-referred to the Committee on Appropriations. The motion prevailed.

Blatz moved that H. F. No. 1457 be recalled from the Committee on Transportation and be re-referred to the Committee on Taxes. The motion prevailed.

Onnen moved that S. F. No. 276 be recalled from the Committee on General Legislation and Veterans Affairs and together with H. F. No. 1443, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Sherman introduced:

House Resolution No. 24, A house resolution congratulating the Ramblers boys basketball team from Winona Cotter High School for winning runner-up in the 1985 Class A State High School Boys Basketball Championship.

The resolution was referred to the Committee on Education.

Wenzel, Krueger, Richter, Uphus and McDonald introduced:

House Resolution No. 25, A house resolution recognizing the centennial of the establishment of the National Holstein Association; proclaiming May 25, 1985 as Holstein Day in Minnesota.

The resolution was referred to the Committee on Agriculture.

Sherman and Dempsey introduced:

House Resolution No. 26, A house resolution congratulating the gymnastic team from Winona State University for winning the 1985 National Association of Intercollegiate Athletics National Championship.

The resolution was referred to the Committee on Education.

McEachern introduced:

House Concurrent Resolution No. 9, A house concurrent resolution providing for a joint select committee to plan for a brief and effective 1986 legislative session.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Redalen, Waltman, Wenzel, Sparby and Uphus introduced:

House Concurrent Resolution No. 10, A house concurrent resolution congratulating Minnesota Rural Electric Cooperatives on their 50th Anniversary.

The concurrent resolution was referred to the Committee on Agriculture.

ADJOURNMENT

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, April 16, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives