

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION -- 1985

## SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 16, 1985

The House of Representatives convened at 12:00 noon and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Pastor Duane Nelson, Our Savior's Lutheran, Pequot Lakes, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

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

Anderson, R., was excused while in conference.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 490, 646, 939, 961, 1015, 1250 and 1436 and S. F. Nos. 866, 251, 818 and 919 have been placed in the members' files.

S. F. No. 866 and H. F. No. 939, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Rose moved that the rules be so far suspended that S. F. No. 866 be substituted for H. F. No. 939 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 658, A bill for an act relating to health; regulating community health services; amending Minnesota Statutes 1984, sections 145.912, subdivision 15; 145.917, subdivisions 2 and 3; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 18.

Reported the same back with the following amendments:

Page 3, after line 29, insert:

"Sec. 4. Minnesota Statutes 1984, section 145.917, subdivision 4, is amended to read:

Subd. 4. [WITHDRAWAL.] Any participating county or city (,) may by resolution of its governing body (,) indicate its intention to withdraw from the subsidy program established by sections 145.911 to (145.922) 145.921.

(a) Notification shall be given to the state commissioner of health and to each county or city in any multi-county or multi-city combination, at least one year before the beginning of the fiscal year in which it takes effect.

(b) When two or more counties or cities have combined for the purposes of sections 145.911 to 145.921, the withdrawal provision shall not be applicable during the first two years following the adoption of the initial agreement to combine.

(c) The withdrawal of a county or city from a group of two or more counties or cities combined for the purposes of sections 145.911 to 145.921 shall not affect the eligibility for the community health services subsidy of the remaining counties or cities for at least one year following the withdrawal.

(d) *The amount of any additional annual payment for calendar year 1985 made pursuant to Laws 1976, section 11, subdivision 4, shall be subtracted from the subsidy for a county that, due to withdrawal from a multi-county combination, ceases to meet the terms and conditions under which that additional annual payment was made."*

Page 5, line 11, before the period insert "*, except as provided in section 145.917, subdivision 4*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "and" and insert a comma

Page 1, line 5, after "3" insert "*, and 4*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 769, A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; creating an appeal process for nursing home appraisals; recovering the federal share of overpayments from medical vendors; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, subdivision 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.431, subdivisions 2b, 3, and 4; 256B.50; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [144.0722] [RESIDENT REIMBURSEMENT CLASSIFICATIONS; PROCEDURES FOR RECONSIDERATION.]**

**Subdivision 1. [RESIDENT REIMBURSEMENT CLASSIFICATIONS.]** *The commissioner of health shall establish resident reimbursement classifications based upon the assessments of residents of nursing homes and boarding care homes conducted under sections 144.072 and 144.0721, or under rules established by the commissioner of human services under sections 256B.41 to 256B.48. The reimbursement classifications established by the commissioner must conform to the rules established by the commissioner of human services.*

**Subd. 2. [NOTICE OF RESIDENT REIMBURSEMENT CLASSIFICATION.]** *The commissioner of health shall notify each resident, and the nursing home or boarding care home in which the resident resides, of the reimbursement classification established under subdivision 1. The notice shall inform the resident of the classification that was assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the department, and the opportunity to request a reconsideration of the classification. The notice of resident classification shall be sent by first-class mail. The individual resident notices may be sent to the residents' nursing home or boarding care home for distribution to the resident.*

**Subd. 3. [REQUEST FOR RECONSIDERATION.]** *The resident or the nursing home or boarding care home may request that the commissioner reconsider the assigned reimbursement classification. The request for reconsideration must be submitted, in writing, to the commissioner within ten days of the receipt of the notice of resident classification. The request for reconsideration must include the following: (1) the name of the resident; (2) the name and address of the facility in which the resident resides; (3) the reasons for the reconsideration; (4) the requested classification changes; and (5) documentation supporting the requested classification. The documentation accompanying the reconsideration request is limited to documentation establishing that the needs of the resident at the time of the assessment resulting in the disputed classification justify a change of classification.*

**Subd. 4. [RECONSIDERATION.]** *The department's reconsideration must be made by individuals not involved in reviewing the assessment that established the disputed classification. The reconsideration must be based upon the initial assessment and upon the information provided to the department under subdivision 3. If necessary for evaluating the reconsideration request, the department may conduct on-site reviews. In its discretion, the department may review the reimbursement classifications assigned to all residents in the facility. Within 15 working days of*

*receiving the request for reconsideration, the department shall affirm or modify the original resident classification. The original classification shall be modified if the department determines that the assessment resulting in that classification did not accurately reflect the needs of the resident at the time of the assessment. The resident and the nursing home or boarding care home shall be notified within five working days after the decision is made. The department's decision under this subdivision is the final administrative decision of the agency.*

Sec. 2. Minnesota Statutes 1984, section 144.50, subdivision 2, is amended to read:

Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, in which any accommodation is maintained, furnished, or offered for: the hospitalization of the sick or injured; *the provision of care in a swing bed authorized under section 144.562*; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office or to hotels or other similar places that furnish only board and room, or either, to their guests.

Sec. 3. [144.562] [SWING BED APPROVAL; ISSUANCE OF LICENSE CONDITIONS; VIOLATIONS.]

Subdivision 1. [DEFINITION.] *For the purposes of this section, "swing bed" means a hospital bed licensed under sections 144.50 to 144.56 which has been granted a license condition under this section for the purpose of receiving reimbursement under the federal medicare program under United States Code, title 42, section 1395(tt). Nothing in this section shall preclude the use of any licensed hospital bed by any other payor.*

Subd. 2. [ELIGIBILITY FOR LICENSE CONDITION.] *A hospital is not eligible to receive a license condition for swing beds unless (1) it has a licensed bed capacity of less than 50 beds defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, or (2) it is staffed for and operating less than 50 licensed beds, and (3) it is located in a rural area as defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, and (4) it agrees to utilize no more than four hospital beds as swing beds at any one time, except that up to three additional beds may be utilized as swing beds by a hospital if there are no medicare certified skilled nursing facility beds available in a health care facility within 25 miles of that hospital.*

**Subd. 3. [APPROVAL OF LICENSE CONDITION.]** *The department of health shall approve a license condition for swing beds if the hospital meets all of the criteria of this subdivision:*

(a) *The hospital must meet the eligibility criteria in subdivision 2.*

(b) *The hospital must be in compliance with the federal medicare conditions of participation for swing beds under Code of Federal Regulations, title 42, section 405.1041.*

(c) *The hospital must agree, in writing, to limit the length of stay of a patient receiving services in a swing bed to not more than 40 days or the duration of medicare reimbursement unless the department of health approves a greater length of stay in an emergency situation. For the purpose of determining whether an emergency situation exists, the department shall require the hospital to provide documentation that continued services in the swing bed are required by the patient, that no nursing home beds are available within 25 miles from the patient's home or in some more remote facility of the patient's choice which can provide the appropriate level of services required by the patient, and that other alternative services are not available to meet the needs of the patient. If the department approves a length of stay beyond 40 days or the duration of medicare reimbursement, the hospital shall develop a plan providing for the discharge of the patient upon the availability of a nursing home bed or other services which meet the needs of the patient. Permission to extend a patient's length of stay must be requested by the hospital at least ten days prior to end of the maximum length of stay.*

(d) *The hospital must agree, in writing, to limit admission to a swing bed only to patients who have been hospitalized and not yet discharged from the facility.*

(e) *The hospital must agree, in writing, to report statistical data on the utilization of the swing beds on forms supplied by the department. The data must include the number of swing beds; the number of admissions to and discharges from swing beds, medicare reimbursed patient days, total patient days, and other information required by the commissioner to assess the utilization of swing beds.*

**Subd. 4. [ISSUANCE OF LICENSE CONDITION; RENEWALS.]** *The department of health shall issue a license condition to a hospital that complies with subdivisions 2 and 3. The license condition shall be granted when the license is first issued, when it is renewed, or during the course of the hospital's licensure year. The condition shall be valid for the hospital's licensure year. The license condition can be renewed at the time of the hospital's license renewal provided that the hospital is in compliance with subdivisions 2 and 3.*

*Subd. 5. [INSPECTIONS.] Notwithstanding section 144.55, subdivision 4, the department of health may conduct inspections of any hospital granted a condition under this section for the purpose of assessing compliance with this section.*

*Subd. 6. [VIOLATIONS; ISSUANCE OF CORRECTION ORDERS AND FINES; SUSPENSION, REVOCATION, OR NONRENEWAL OF THE LICENSE CONDITION.] Notwithstanding section 144.55, subdivision 4, if the hospital fails to comply with subdivision 2 or 3, the department of health shall issue a correction order and penalty assessment under section 144.653 or may suspend, revoke, or refuse to renew the license condition under section 144.55, subdivision 6. The penalty assessment for a violation of subdivision 2 or 3 is \$500.*

*Subd. 7. [EFFECTIVE DATE.] Hospitals participating in the federal medicare swing bed program as of the effective date of this section shall comply with this section by January 1, 1986, or at the time of the renewal of the medicare swing bed approval, whichever is earlier.*

Sec. 4. Minnesota Statutes 1984, section 144A.01, subdivision 5, is amended to read:

Subd. 5. "Nursing home" means a facility or that part of a facility which provides nursing care to five or more persons. "Nursing home" does not include a facility or that part of a facility which is a hospital, a hospital with swing bed approval as defined in section 144.562, clinic, doctor's office, diagnostic or treatment center, or a residential facility licensed pursuant to sections 245.781 to 245.821 or 252.28.

Sec. 5. Minnesota Statutes 1984, section 144A.071, subdivision 1, is amended to read:

Subdivision 1. [FINDINGS.] The legislature finds that medical assistance expenditures are increasing at a much faster rate than the state's ability to pay them; that reimbursement for nursing home care and ancillary services comprises over half of medical assistance costs, and, therefore, controlling expenditures for nursing home care is essential to prudent management of the state's budget; that construction of new nursing homes (,) and the addition of more nursing home beds to the state's long-term care resources (, AND INCREASED CONVERSION OF BEDS TO SKILLED NURSING FACILITY BED STATUS) inhibits the ability to control expenditures; that Minnesota already leads the nation in nursing home expenditures per capita, has the fifth highest number of beds per capita elderly, and that private paying individuals and medical assistance recipients have equivalent access to nursing home care; and that in the absence of a moratorium the increased numbers of nursing homes and nursing home beds will consume resources that would otherwise

be available to develop a comprehensive long-term care system that includes a continuum of care. Unless action is taken, this expansion of bed capacity (AND CHANGES OF BEDS TO A HIGHER CLASSIFICATION OF CARE ARE) is likely to accelerate with the repeal of the certificate of need program effective March 15, 1984. The legislature also finds that Minnesota's dependence on institutional care for elderly persons is due in part to the dearth of alternative services in the home and community. *The legislature also finds that further increases in the number of licensed nursing home beds, especially in nursing homes not certified for participation in the medical assistance program, is contrary to public policy, because: (1) nursing home residents with limited resources may exhaust their resources more rapidly in these facilities, creating the need for a transfer to a certified nursing home, with the concomitant risk of transfer trauma; (2) a continuing increase in the number of nursing home beds will foster continuing reliance on institutional care to meet the long-term care needs of residents of the state; (3) a further expansion of nursing home beds will diminish incentives to develop more appropriate and cost-effective alternative services and divert community resources that would otherwise be available to fund alternative services; (4) through corporate reorganization resulting in the separation of certified and licensed beds, a nursing home may evade the provisions of section 256B.48, subdivision 1, clause (a); and (5) it is in the best interests of the state to ensure that the long-term care system is designed to protect the private resources of individuals as well as to use state resources most effectively and efficiently.*

The legislature declares that a moratorium on *the licensure and medical assistance certification of new nursing home beds (AND ON CHANGES IN CERTIFICATION TO A HIGHER LEVEL OF CARE)* is necessary to control nursing home expenditure growth and enable the state to meet the needs of its elderly by providing high quality services in the most appropriate manner along a continuum of care.

Sec. 6. Minnesota Statutes 1984, section 144A.071, subdivision 2, is amended to read:

Subd. 2. [MORATORIUM.] (NOTWITHSTANDING THE PROVISIONS OF THE CERTIFICATE OF NEED ACT, SECTIONS 145.832 TO 145.845, OR ANY OTHER LAW TO THE CONTRARY,) The commissioner of health, in coordination with the commissioner of human services, shall deny each request by a nursing home or boarding care home, except an intermediate care facility for the mentally retarded, for addition of new certified beds (OR FOR A CHANGE OR CHANGES IN THE CERTIFICATION STATUS OF EXISTING BEDS) except as provided in subdivision 3. The total number of certified beds in the state (IN THE SKILLED LEVEL AND IN THE INTERMEDIATE LEVELS OF CARE) shall remain at or decrease from the number of beds certified (AT EACH

LEVEL OF CARE) on May 23, 1983, except as allowed under subdivision 3. "Certified bed" means a nursing home bed or a boarding care bed certified by the commissioner of health for the purposes of the medical assistance program, under United States Code, title 42, sections 1396 et seq.

The commissioner of human services, in coordination with the commissioner of health, shall deny any request to issue a license under sections 245.781 to 245.812 and 252.28 to a nursing home or boarding care home, if that license would result in an increase in the medical assistance reimbursement amount. *The commissioner of health shall deny each request for licensure of nursing home beds except as provided in subdivision 3.*

Sec. 7. Minnesota Statutes 1984, section 144A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or (CHANGE IN THE CERTIFICATION STATUS OF AN EXISTING BED) *the addition of a new licensed nursing home bed*, under the following conditions:

(a) To replace a bed decertified after May 23, 1983 or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives;

(b) To certify a new bed in a facility that commenced construction before May 23, 1983. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and

completing construction; and all zoning and building permits were secured;

(c) To certify beds in a new nursing home that is needed in order to meet the special dietary needs of its residents, if: the nursing home proves to the commissioner's satisfaction that the needs of its residents cannot otherwise be met; elements of the special diet are not available through most food distributors; and proper preparation of the special diet requires incurring various operating expenses, including extra food preparation or serving items, not incurred to a similar extent by most nursing homes; (OR)

(d) (WHEN THE CHANGE IN CERTIFICATION STATUS RESULTS IN A DECREASE IN THE REIMBURSEMENT AMOUNT.) *To license a new nursing home bed in a facility which meets one of the exceptions contained in clauses (a) to (d);*

(e) *To license nursing home beds in a facility which*

(1) *has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and*

(2) *has had plans for phased-in construction approved by the commissioner and has received written authorization to begin construction on a phased-in basis from the commissioner, or has commenced any required construction, as defined in clause (b) before May 1, 1985. For the purpose of this clause, "construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the provisions of the nursing home licensure rules; or*

(f) *To certify or license new beds in a new facility that is to be operated by the department of veterans affairs or where the costs of constructing and operating the new beds are to be reimbursed by the department of veterans affairs or the federal veterans administration.*

Sec. 8. Minnesota Statutes 1984, section 256B.02, subdivision 8, is amended to read:

Subd. 8. [MEDICAL ASSISTANCE; MEDICAL CARE.] "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of this cost:

(1) Inpatient hospital services. A second medical opinion is required prior to reimbursement for elective surgeries. The commissioner shall publish in the State Register a proposed list of

elective surgeries that require a second medical opinion prior to reimbursement. The list is not subject to the requirements of sections 14.01 to 14.70. The commissioner's decision whether a second medical opinion is required, made in accordance with rules governing that decision, is not subject to administrative appeal;

(2) Skilled nursing home services and services of intermediate care facilities, including training and habilitation services, as defined in section 256B.50, subdivision 1, for mentally retarded individuals residing in intermediate care facilities for the mentally retarded. *Medical assistance must not be used to pay the costs of nursing care provided to a patient in a swing bed as defined in section 144.562;*

(3) Physicians' services;

(4) Outpatient hospital or nonprofit community health clinic services or physician-directed clinic services. The physician-directed clinic staff shall include at least two physicians, one of whom is on the premises whenever the clinic is open, and all services shall be provided under the direct supervision of the physician who is on the premises. Hospital outpatient departments are subject to the same limitations and reimbursements as other enrolled vendors for all services, except initial triage, emergency services, and services not provided or immediately available in clinics, physicians' offices, or by other enrolled providers. "Emergency services" means those medical services required for the immediate diagnosis and treatment of medical conditions that, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death or are necessary to alleviate severe pain. Neither the hospital, its employees, nor any physician or dentist, shall be liable in any action arising out of a determination not to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, or the qualifications and availability of personnel to render these services consistent with this section;

(5) Community mental health center services, as defined in rules adopted by the commissioner pursuant to section 256B.04, subdivision 2, and provided by a community mental health center as defined in section 245.62, subdivision 2;

(6) Home health care services;

(7) Private duty nursing services;

(8) Physical therapy and related services;

(9) Dental services, excluding cast metal restorations;

(10) Laboratory and x-ray services;

(11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of human services, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the Administrative Procedure Act, but the formulary committee shall review and comment on the formulary contents. Prior authorization may be required by the commissioner, with the consent of the drug formulary committee, before certain formulary drugs are eligible for payment. The formulary shall not include: drugs or products for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; or any other over the counter drug identified by the commissioner, in consultation with the appropriate professional consultants under contract with or employed by the state agency, as necessary, appropriate and cost effective for the treatment of certain specified chronic diseases, conditions or disorders, and this determination shall not be subject to the requirements of chapter 14, the Administrative Procedure Act; nutritional products, except for those products needed for treatment of phenylketonuria, hyperlysinemia, maple syrup urine disease, a combined allergy to human milk, cow milk, and soy formula, or any other childhood or adult diseases, conditions, or disorders identified by the commissioner as requiring a similarly necessary nutritional product; anorectics; and drugs for which medical value has not been established. Separate payment shall not be made for nutritional products for residents of long-term care facilities; payment for dietary requirements is a component of the per diem rate paid to these facilities. Payment to drug vendors shall not be modified before the formulary is established except that the commissioner shall not permit payment for any drugs which may not by law be included in the formulary, and his determination shall not be subject to chapter 14, the Administrative Procedure Act. The commissioner shall publish conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition costs of the drugs plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the Administrative Procedure Act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

Notwithstanding the above provisions, implementation of any change in the fixed dispensing fee which has not been subject to the Administrative Procedure Act shall be limited to not more than 180 days, unless, during that time, the commissioner shall have initiated rulemaking through the Administrative Procedure Act;

(12) Diagnostic, screening, and preventive services;

(13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act;

(14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion;

(15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, com-

mon carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be nonambulatory;

(16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining nonemergency medical care;

(17) Personal care attendant services provided by an individual, not a relative, who is qualified to provide the services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse. Payments to personal care attendants shall be adjusted annually to reflect changes in the cost of living or of providing services by the average annual adjustment granted to vendors such as nursing homes and home health agencies; and

(18) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

Sec. 9. Minnesota Statutes 1984, section 256B.091, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home or boarding care home placement by establishing a program of preadmission screening teams for all (MEDICAL ASSISTANCE RECIPIENTS AND ANY INDIVIDUAL WHO WOULD BECOME ELIGIBLE FOR MEDICAL ASSISTANCE WITHIN 180 DAYS OF) *applicants seeking* admission to a licensed nursing home or boarding care home participating in the *medical assistance* program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home or boarding care home admissions. The commissioners of human services and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available.

Sec. 10. Minnesota Statutes 1984, section 256B.091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of human services to participate in the program shall contract with the local board of health organized under section 145.911 to 145.922 or other public or nonprofit agency to establish a screening team to assess (,) *the health and social needs of all applicants* prior to admission to a nursing home or a boarding care home licensed under section 144A.02 or sections 144.50 to 144.56, that is certified for medical assistance as a skilled nursing facility, intermediate care facility level I, or intermediate care facility

level II (, THE HEALTH AND SOCIAL NEEDS OF MEDICAL ASSISTANCE RECIPIENTS AND INDIVIDUALS WHO WOULD BECOME ELIGIBLE FOR MEDICAL ASSISTANCE WITHIN 180 DAYS OF NURSING HOME OR BOARDING CARE HOME ADMISSION). Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3, clause (e). If the assessment procedure or screening team recommendation results in a delay of the individual's discharge from the acute care facility, the facility shall not be denied medical assistance reimbursement or incur any other financial or regulatory penalty of the medical assistance program that would otherwise be caused by the individual's extended length of stay; 50 percent of the cost of this reimbursement or financial or regulatory penalty shall be paid by the state and 50 percent shall be paid by the county. Other personnel as deemed appropriate by the county agency may be included on the team. The county agency may contract with an acute care facility to have the facility's discharge planners perform the functions of a screening team with regard to individuals discharged from the facility and in those cases the discharge planners may participate in making recommendations under subdivision 3, clause (e). No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or noninstitutional referral such that it would not be possible for the member to consider each case objectively.

Sec. 11. Minnesota Statutes 1984, section 256B.091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or boarding care home admission, screening teams shall assess the needs of all (PERSONS RECEIVING MEDICAL ASSISTANCE AND OF ALL PERSONS WHO WOULD BE ELIGIBLE FOR MEDICAL ASSISTANCE WITHIN 180 DAYS OF ADMISSION TO A NURSING HOME OR BOARDING CARE HOME) *applicants*, except (1) patients transferred from other nursing homes (OR); (2) patients who, having entered acute care facilities from nursing homes, are returning to nursing home care; or (3) *persons entering a facility described in section 256B.431, subdivision 4, paragraph (b).* (ANY OTHER INTERESTED PERSON MAY) *The cost for screening persons who are receiving medical assistance or would be eligible for medical as-*

*stance within 90 days of nursing home or boarding care home admission will be paid by state, federal, and county funds. Other persons will be assessed by a screening team upon payment of a fee (BASED UPON A SLIDING FEE SCALE) approved by the commissioner.*

Sec. 12. Minnesota Statutes 1984, section 256B.091, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Appeals from the screening team's (DETERMINATION) *recommendation* shall be made pursuant to the procedures set forth in section 256.045, subdivisions 2 and 3. An appeal shall be automatic if the individual's physician does not agree with the recommendation of the screening team.

Sec. 13. Minnesota Statutes 1984, section 256B.091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within 180 days of admission to a nursing home; (AND) (3) who need services that are not available at that time in the county through other public assistance; and (4) *who are age 65 or older.*

Grants may be used for payment of costs of providing services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e) (2). The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care that the most cost effective alternatives available have been offered to the individual. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this

subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance. The sliding fee schedule is not subject to chapter 14 but the commissioner shall publish the schedule and any later changes in the State Register and allow a period of 20 working days from the publication date for interested persons to comment before adopting the sliding fee schedule in final forms.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the nonfederal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The nonfederal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay ten percent of the costs.

The commissioner shall promulgate emergency rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 14. Minnesota Statutes 1984, section 256B.431, subdivision 2b, is amended to read:

Subd. 2b. [OPERATING COSTS, AFTER JULY 1, 1985.]

(a) For rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.

(b) The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate.

(c) The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immediately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports

of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, (AGE,) size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. *In developing the geographic groups for purposes of reimbursement under this section, the commissioner shall ensure that nursing homes in any county contiguous to the Minneapolis-St. Paul seven-county metropolitan area be included in the same group.* The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per diems for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent. The commissioner shall establish efficiency incentives as appropriate. The commissioner may establish efficiency incentives for different operating cost categories. The commissioner shall consider establishing efficiency incentives in care related cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories. *For the rate year beginning on July 1, 1985, the commissioner shall:*

(1) *allow nursing homes that have an average length of stay of 180 days or less in their skilled nursing level of care, 125 percent of the care related limit and 105 percent of the other operating cost limit established by rule by the commissioner; and*

(2) *exempt nursing homes licensed on July 1, 1983, by the commissioner to provide residential services for the physically handicapped under Minnesota Rules, parts 9570.2000 to 9570.3600, from the care related limits and allow 105 percent of the other operating cost limit established by rule by the commissioner.*

*For the purpose of calculating the other operating cost efficiency incentive, the commissioner shall use the other operating cost limit before application of the 105 percent.*

*For the rate year beginning July 1, 1985, each nursing home total payment rate must be effective two calendar months from*

*the first day of the month after the commissioner issues the rate notice to the nursing home. From July 1, 1985, until the total payment rate becomes effective, the commissioner shall make payments to each nursing home at a temporary rate which is the prior rate year's operating cost payment rate increased 2.6 percent plus the prior rate year's property-related payment rate and the prior rate year's real estate taxes and special assessments payment rate. The commissioner shall retroactively adjust the property-related payment rate and the real estate taxes and special assessments payment rate to July 1, 1985, but must not retroactively adjust the operating cost payment rate.*

(e) The commissioner shall establish a composite index or indices by determining the appropriate economic change indicators to be applied to specific operating cost categories or combination of operating cost categories.

(f) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (e) for the operating cost category plus an efficiency incentive established pursuant to paragraph (d) or the limit for the operating cost category increased by the same index. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate year, there shall be no retroactive cost settle-up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(g) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment for each nursing home as an operating cost of that nursing home. Total real estate tax liability and actual special assessments paid for each nursing home (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e).

Sec. 15. Minnesota Statutes 1984, section 256B.431, is amended by adding a subdivision to read:

*Subd. 2g. [PHASE-IN.] The commissioner shall allow each nursing home whose actual allowable historical operat-*

*ing cost per diem for the reporting year ending September 30, 1984, and the following two reporting years is five percent or more above the limits established by the commissioner to be reimbursed for part of the excess costs each year for up to three rate years according to the formula in this subdivision. The commissioner shall reimburse the nursing home:*

*(1) for the rate year beginning July 1, 1985, 75 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner;*

*(2) for the rate year beginning July 1, 1986, 60 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner; and*

*(3) for the rate year beginning July 1, 1987, 45 percent of the difference between the actual allowable historical operating cost per diem and the limit established by the commissioner.*

Sec. 16. Minnesota Statutes 1984, section 256B.431, subdivision 3, is amended to read:

Subd. 3. [PROPERTY-RELATED COSTS, 1983-1985.]

(a) For rate years beginning July 1, 1983 and July 1, 1984, property-related costs shall be reimbursed to each nursing home at the level recognized in the most recent cost report received by December 31, 1982 and audited by March 1, 1983, and may be subsequently adjusted to reflect the costs recognized in the final rate for that cost report, adjusted for rate limitations in effect before the effective date of this section. Property-related costs include: depreciation, interest, earnings or investment allowance, lease, or rental payments. No adjustments shall be made as a result of sales or reorganizations of provider entities.

(b) Adjustments for the cost of repairs, replacements, renewals, betterments, or improvements to existing buildings, and building service equipment shall be allowed if:

(1) The cost incurred is reasonable, necessary, and ordinary;

(2) The net cost is greater than \$5,000. "Net cost" means the actual cost, minus proceeds from insurance, salvage, or disposal;

(3) The nursing home's property-related costs per diem is equal to or less than the average property-related costs per diem within its group; and

(4) The adjustment is shown in depreciation schedules submitted to and approved by the commissioner.

(c) Annual per diem shall be computed by dividing total property-related costs by 96 percent of the nursing home's licensed capacity days for nursing homes with more than 60 beds and 94 percent of the nursing home's licensed capacity days for nursing homes with 60 or fewer beds. For a nursing home whose resident's average length of stay is 180 days or less, the commissioner may waive the 96 or 94 percent factor and divide the nursing home's property-related costs by the actual resident days to compute the nursing home's annual property-related per diem. The commissioner shall promulgate emergency and permanent rules to recapture excess depreciation upon sale of a nursing home.

((D)) *Subd. 3a.* [PROPERTY-RELATED COSTS AFTER JULY 1, 1985.] (a) For rate years beginning on or after July 1, 1985, the commissioner, by permanent rule, shall reimburse nursing home providers that are vendors in the medical assistance program for the rental use of (THEIR PROPERTY. THE "RENT" IS THE AMOUNT OF PERIODIC PAYMENT WHICH A RENTER MIGHT EXPECT TO PAY FOR THE RIGHT TO THE AGREED USE OF THE REAL ESTATE AND THE DEPRECIABLE EQUIPMENT AS IT EXISTS) *real estate and depreciable equipment*. "Real estate" means land improvements, buildings, and attached fixtures used directly for resident care. "Depreciable equipment" means the standard movable resident care equipment and support service equipment generally used in long-term care facilities.

((E)) (b) In developing the method for determining payment rates for the rental use of nursing homes, the commissioner shall consider factors designed to:

(1) simplify the administrative procedures for determining payment rates for property-related costs;

(2) minimize discretionary or appealable decisions;

(3) eliminate any incentives to sell nursing homes;

(4) recognize legitimate costs of preserving and replacing property;

(5) recognize the existing costs of outstanding indebtedness allowable under the statutes and rules in effect on May 1, 1983;

(6) address the current value of, if used directly for patient care, land improvements, buildings, attached fixtures, and equipment;

- (7) establish an investment per bed limitation;
- (8) reward efficient management of capital assets;
- (9) provide equitable treatment of facilities;
- (10) consider a variable rate; and
- (11) phase in implementation of the rental reimbursement method.

((F)) (c) No later than January 1, 1984, the commissioner shall report to the legislature on any further action necessary or desirable in order to implement the purposes and provisions of this subdivision.

Sec. 17. Minnesota Statutes 1984, section 256B.431, subdivision 4, is amended to read:

Subd. 4. [SPECIAL RATES.] (a) *For the rate years beginning July 1, 1983 and July 1, 1984, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property-related costs calculated pursuant to the statutes and rules in effect on May 1, 1983 and for operating costs negotiated by the commissioner based upon the 60th percentile established for the appropriate group under subdivision 2, paragraph (b) to be effective from the first day a medical assistance recipient resides in the home or for the added beds. For newly constructed nursing homes which are not included in the calculation of the 60th percentile for any group, subdivision 2(f), the commissioner shall establish by rule procedures for determining interim operating cost payment rates and interim property-related cost payment rates. The interim payment rate shall not be in effect for more than 17 months. The commissioner shall establish, by emergency and permanent rules, procedures for determining the interim rate and for making a retroactive cost settle-up after the first year of operation; the cost settled operating cost per diem shall not exceed 110 percent of the 60th percentile established for the appropriate group. Until procedures determining operating cost payment rates according to mix of resident needs are established, the commissioner shall establish by rule procedures for determining payment rates for nursing homes which provide care under a lesser care level than the level for which the nursing home is certified.*

(b) *For the rate years beginning on or after July 1, 1985, a newly constructed nursing home or one with a capacity increase of 50 percent or more may, upon written application to the commissioner, receive an interim payment rate for reimbursement for property related costs, operating costs, and real estate taxes and special assessments calculated pursuant to rules promulgated by the commissioner.*

(c) For rate years beginning on or after July 1, 1983, the commissioner may exclude from a provision of 12 MCAR S 2.050 any facility that is licensed by the commissioner of health only as a boarding care home, is certified by the commissioner of health as an intermediate care facility, is licensed by the commissioner of human services under 12 MCAR S 2.036, and has less than five percent of its licensed boarding care capacity reimbursed by the medical assistance program. Until a permanent rule to establish the payment rates for facilities meeting these criteria is promulgated, the commissioner shall establish the medical assistance payment rate as follows:

(1) The desk audited payment rate in effect on June 30, 1983, remains in effect until the end of the facility's fiscal year. The commissioner shall not allow any amendments to the cost report on which this desk audited payment rate is based.

(2) For each fiscal year beginning between July 1, 1983, and June 30, 1985, the facility's payment rate shall be established by increasing the desk audited operating cost payment rate determined in clause (1) at an annual rate of five percent.

(3) For fiscal years beginning on or after July 1, 1985, the facility's payment rate shall be established by increasing the facility's payment rate in the facility's prior fiscal year by the increase indicated by the consumer price index for Minneapolis and St. Paul.

(4) For the purpose of establishing payment rates under this paragraph, the facility's rate and reporting years coincide with the facility's fiscal year.

A facility that meets the criteria of this paragraph shall submit annual cost reports on forms prescribed by the commissioner.

Sec. 18. Minnesota Statutes 1984, section 256B.48, is amended by adding a subdivision to read:

*Subd. 6. [MEDICARE CERTIFICATION.] All nursing homes certified as skilled nursing facilities under the medical assistance program shall participate in Medicare part A and part B unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. Medicare review will be conducted at the time of the annual medical assistance review. Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and Medicare must be billed to Medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.*

*The commissioner of health may grant exceptions from this requirement when it is determined that there is a sufficient number of Medicare-certified beds to meet the needs of Medicare beneficiaries in that region of the state. For the purposes of this section, the relevant geographic area would be the county in which the nursing home is located together with contiguous Minnesota counties. To determine that there is a sufficient number of Medicare-certified beds for a particular geographic region, the commissioner of health shall assure that there are at least as many Medicare-certified beds per 1,000 elderly as the national average, based on the most recent figure that can be supplied by the federal health care financing administration, and the number of elderly in the county or the nation must be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the certification review.*

Sec. 19. Minnesota Statutes 1984, section 256B.50, is amended to read:

**256B.50 [APPEALS.]**

*Subdivision 1. [SCOPE.] A nursing home may appeal a decision arising from the application of standards or methods pursuant to sections 256B.41 and 256B.47 if the appeal, if successful, would result in a change to the nursing home's payment rate, or appraised value. The appeal procedures also apply to appeals of payment rates calculated under 12 MCAR S 2.049 filed with the commissioner on or after May 1, 1984. This section does not apply to a request from a resident or nursing home for reconsideration of the classification of a resident under section 144.0722. To appeal, the nursing home shall notify the commissioner in writing of its intent to appeal within 30 days and submit a written appeal request within 60 days of receiving notice of the payment rate determination or decision. The appeal request shall specify each disputed item, the reason for the dispute, an estimate of the dollar amount involved for each disputed item, the computation that the nursing home believes is correct, the authority in statute or rule upon which the nursing home relies for each disputed item, the name and address of the person or firm with whom contacts may be made regarding the appeal, and other information required by the commissioner.*

*Except as provided in subdivision 2, the appeal shall be heard by an administrative law judge according to sections 14.48 to 14.56, or upon agreement by both parties according to a modified appeals procedure established by the commissioner and the administrative law judge. In any proceeding under this section, the appealing party must demonstrate by a preponderance of the evidence that the commissioner's determination is incorrect. Regardless of any rate appeal, the rate established shall be the*

rate paid and shall remain in effect until final resolution of the appeal or subsequent desk or field audit adjustment, notwithstanding any provision of law or rule to the contrary. To challenge the validity of rules established by the commissioner pursuant to sections 256B.41, 256B.421, 256B.431, 256B.47, 256B.48, 256B.50, and 256B.502, a nursing home shall comply with section 14.44.

*Subd. 2. [APPRAISED VALUE; APPEALS BOARD.]*

*(a) Appeals concerning the appraised value of a nursing home's real estate shall be heard by a three-person appeal board appointed by the commissioner. The real estate as defined in section 256B.431, subdivision 3, must be appraised using the depreciated replacement cost method.*

*(b) Members of the appeals board shall be appointed by the commissioner from the list of appraisers approved for state contracts by the department of administration. In making the selection, the commissioner shall assure that each member is experienced in the use of the depreciated replacement cost method and is free of any personal, political, or economic conflict of interest that may impair the member's ability to function in a fair and objective manner.*

*(c) The appeals board shall appoint one of its members to act as chief representative and shall examine witnesses where deemed necessary to make a complete record. Facts to be considered by the board are limited to those in existence at the time of the appraisal being appealed. The board shall issue a written report regarding each appeal to the commissioner within 30 days following the close of the record. The report must contain findings of fact, conclusions, and a recommended disposition based on a majority decision of the board. A copy of the report must be served upon all parties.*

*(d) The commissioner shall issue an order adopting, rejecting, or modifying the appeal board's recommendation within 30 days of receipt of the report. A copy of the decision must be served upon all parties.*

*(e) Within 30 days of receipt of the commissioner's order, the appealing party may appeal to the Minnesota court of appeals. The court's decision is limited to a determination of the appraised value of the real estate and must not include costs assessed against either party.*

**Sec. 20. [256B.0641] [RECOVERY OF OVERPAYMENT.]**

*Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, section 256B.72 or any laws or rules to the contrary, when it has been determined that an overpayment has been made by the state to any medical assistance vendor*

*and that the federal phase of the overpayment amount is due and owing to the federal government pursuant to federal law and regulations, the state shall recover from the medical assistance vendor the federal share of the determined overpayment amount paid to that provider using the same schedule of payments required by the federal government.*

*Subd. 2. Notwithstanding the provisions of Minnesota Statutes, section 256B.72 or any laws or rules to the contrary, if the overpayment to a medical assistance vendor is due to a retroactive adjustment caused by either the medical assistance vendor's temporary payment rate being higher than the established desk audit payment rate or a department error in calculating a payment rate, the state shall recover from the medical assistance vendor the total amount of the overpayment within 120 days after the date in which written notice of the adjustment is sent to the medical assistance vendor or according to a schedule of payments approved by the commissioner.*

**Sec. 21. [256B.72] [RIGHT OF APPEAL.]**

*The commissioner shall not recover overpayments from medical assistance vendors during the pendency of any administrative appeal or judicial action challenging the proposed recovery.*

**Sec. 22.** Minnesota Statutes 1984, section 474.01, subdivision 7a, is amended to read:

*Subd. 7a. No municipality or redevelopment agency shall undertake any project authorized by sections 474.01 to 474.13, except a project referred to in section 474.02, subdivision 1f, unless its governing body finds that the project furthers the purposes stated in this section, nor until the commissioner of energy and economic development has approved the project, on the basis of preliminary information which the commissioner may require, as tending to further the purposes and policies of sections 474.01 to 474.13. The commissioner may not approve any projects relating to health care facilities except as permitted under subdivision 9. Approval shall not be deemed to be an approval by the commissioner of energy and economic development or the state of the feasibility of the project or the terms of the revenue agreement to be executed or the bonds to be issued therefor, and the commissioner shall state this in communicating approval.*

**Sec. 23.** Minnesota Statutes 1984, section 474.01, subdivision 9, is amended to read:

**Subd. 9. [HEALTH CARE FACILITIES.]** The welfare of the state further requires the provision of necessary health care facilities, to the end that adequate health care services be made

available to residents of the state at reasonable cost. However, some projects relating to nursing homes may be inconsistent with established state policies and detrimental to the welfare of the state. The commissioner of energy and economic development shall forward to the commissioner of human services and the commissioner of health for review all applications for projects relating to nursing homes licensed by the department of health under chapter 144A. This review process does not apply to projects approved by the housing finance agency involving residences for the elderly, the costs of which will not be reimbursed under the medical assistance program. The commissioner of human services and the commissioner of health must return the applications to the commissioner of energy and economic development with a recommendation within 30 days of receipt. The commissioner of energy and economic development may not approve an application unless the project has been determined by both the commissioner of human services and the commissioner of health to be consistent with policies of the state as reflected in a statute or rule. The following projects may not be approved:

(1) projects that will result in an increase in the number of nursing home or boarding care beds in the state;

(2) projects involving refinancing, unless the refinancing will result in a reduction in debt service charges that will be reflected in charges to patients and third party payors; and

(3) projects that are inconsistent with the established policies of the state as reflected in a statute or rule.

#### Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 8, 14, 16, 17, 19, 22, and 23 are effective the day following final enactment. Sections 9 to 13 are effective July 1, 1985. Sections 20 and 21 are effective upon adoption of the federal rules governing medical assistance overpayments made by the state."

Delete the title and insert:

"A bill for an act relating to human services; creating a procedure for reconsideration of a resident's case mix classification; establishing approval procedures and requirements for hospital swing beds; restricting licensure of new nursing home beds; expanding the preadmission screening program; revising statutes relating to nursing home reimbursement; creating an appeal process for nursing home appraisals; recovering the federal share of overpayments from medical vendors; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; amending Minnesota Statutes 1984, sections 144.50, subdivision 2; 144A.01, subdivision 5; 144A.071, subdivisions 1, 2, and 3; 256B.02, sub-

division 8; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.431, subdivisions 2b, 3, 4, and by adding a subdivision; 256B.48, by adding a subdivision; 256B.50; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapters 144 and 256B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 810, A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; prohibiting the free distribution of cigarettes; raising the cigarette tax; appropriating money; imposing penalties; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 6 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; 297.35, subdivision 1; and 325D.41; proposing coding for new law in Minnesota Statutes, chapters 124, 144, 145, and 609.

Reported the same back with the following amendments:

Page 2, line 35, delete "12" and insert "6"

Page 3, lines 8 and 28, delete "12" and insert "6"

Page 4, line 21, delete everything after the first comma

Page 4, line 22, delete "shall be"

Pages 5 and 6, delete section 9

Page 9, delete section 18

Page 9, line 26, delete "\$ . . . . ." and insert "\$1,323,187"

Page 9, line 27, delete "10" and insert "9"

Page 9, line 29, before the period insert "if and when"

Page 9, line 30, delete "\$ . . . . ." and insert "\$3,657,644"

Page 9, line 31, delete "10" and insert "9"

Page 9, line 33, before the period insert "if and when"

Pages 9 and 10, delete section 20

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 5

Page 1, line 9, delete "subdivisions" and insert "subdivision" and delete "and 10"

Page 1, line 13, after "144," insert "and" and delete ", and 609"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 828, A bill for an act relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, sections 268.-52, subdivisions 1 and 2; and 268.53, subdivision 2.

Reported the same back with the following amendments:

Page 4, after line 2, insert:

"Sec. 4. [EFFECTIVE DATE.]

*Sections 1 to 3 are effective the day after final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1083, A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions if used for transporting motor vehicles and operating only within 15 miles of the western border of Minnesota; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, line 16, delete "15" and insert "25"

Page 5, line 17, after the period insert "*All routes shall be approved by the commissioner under this section.*"

Page 5, line 19, after the period insert "*The commissioner shall not issue permits under this subdivision if their issuance will result in a loss of federal highway funding to the state.*"

Amend the title as follows:

Page 1, line 6, delete "15" and insert "25"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; requiring the local agency to report and initiate proceedings in cases of medical neglect; amending Minnesota Statutes 1984, sections 260.015, subdivision 10; 626.556, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 26, after the period insert "*Neglect also means 'medical neglect' as defined in section 260.015, subdivision 10, clause (e).*"

Page 3, lines 27 to 29, delete the new language

Page 3, line 35, reinstate the stricken "(e)" and delete "(f)"

Page 4, lines 2, 6, 8, and 10, reinstate the stricken language and delete the new language

Page 4, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical

abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

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

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chairman of the county welfare board or his designee. The time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare agency, or the local law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is deemed necessary by agreement between the school officials and the local welfare agency or local law enforcement agency. Where the school fails to comply with the provisions of this section, the juvenile court may order the school to comply with this provision. School officials shall not disclose to the parent, legal custodian, guardian, or perpetrator that a request to interview the child has been made until after the investigation or

assessment has been concluded. Every effort shall be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

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

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

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

Page 4, line 20, after "shall" insert "*in addition to its other duties under this section,*"

Page 4, line 25, after the comma insert "*and by filing an expedited motion*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete the second "subdivision" and insert "subdivisions" and after "2," insert "10,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1258, 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.

Reported the same back with the following amendments:

Page 2, line 23, delete "40" and insert "50"

Page 2, lines 28 and 29, delete "four"

Page 2, line 33, delete "one-fourth" and insert "one-half"

Page 3, line 2, after the semicolon insert "and"

Page 3, delete lines 3 to 5

Page 3, line 6, delete "(3) one-fourth" and insert "(2) one-half"

Page 3, line 9, delete " ; and" and insert a period

Page 3, delete lines 10 to 15

Page 6, delete lines 24 to 26, and insert:

*"(1) for calendar year 1985, not less than 100 percent of the state money received for calendar year 1984;"*

Page 12, after line 28, insert:

"Sec. 14. [STUDY.]

*The commissioner of human services and representatives of counties shall study the planning and reporting requirements under the community social services act, including the required contents of the biennial plan, and provide a report and recommendations to the legislature by January 1, 1986, on methods of minimizing the administrative burdens imposed on counties under the act."*

Page 13, line 12, delete "14" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "requiring a study;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 928, A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; appropriating money; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [153A.01] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 13, the terms defined in this section have the meanings given to them.*

*Subd. 2. [HEARING INSTRUMENT.] "Hearing instrument" means an instrument designed for or represented as aiding defective human hearing, and its parts, attachments, or accessories, including but not limited to ear molds. Batteries and cords are not parts, attachments, or accessories of a hearing instrument. Surgically implanted hearing instruments are excluded. Assistive listening devices not requiring testing, fitting, or the use of ear molds, and which neither they nor their attachments are worn within the ear canal, are not hearing instruments.*

*Subd. 3. [HEARING INSTRUMENT DISPENSER.] "Hearing instrument dispenser" means a natural person licensed by the department to fit and dispense hearing instruments, to assist the consumer in instrument selection, and to sell hearing instruments at retail. The term includes the testing of human hearing in connection with these activities. Nothing contained in this*

*chapter shall be deemed to preclude or limit the testing of hearing by audiologists who are duly certified by the American speech and hearing association to test human hearing.*

*Subd. 4. [HEARING INSTRUMENT DISPENSING.] "Hearing instrument dispensing" means fitting and dispensing hearing instruments, assisting the consumer in instrument selection, and selling hearing instruments at retail. The term includes the testing of human hearing in connection with these activities.*

*Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.*

*Subd. 6. [DEPARTMENT.] "Department" means the department of commerce.*

**Sec. 2. [153A.02] [POWERS AND DUTIES.]**

*Subdivision 1. [REGULATION.] The department shall:*

- (1) regulate the practice of hearing instrument dispensing;*
- (2) regulate the retail fitting, dispensing, and sale of hearing instruments within this state;*
- (3) examine and license as hearing instrument dispensers all applicants whom it considers qualified;*
- (4) deny, suspend, revoke, or refuse to renew a license required under this chapter, to any applicant or licensee upon any of the following grounds:*
  - (a) fraud or deception in connection with the securing of a license or in connection with the fitting, dispensing, or sale of hearing instruments;*
  - (b) conviction in any court of a felony;*
  - (c) conviction in any court of an offense involving moral turpitude;*
  - (d) employing, assisting, or enabling in any manner an unlicensed person to engage in hearing instrument dispensing;*
  - (e) violation of any of the provisions of sections 1 to 13 or any of the rules adopted to implement sections 1 to 13;*
- (5) perform any other duties and exercise other powers required by sections 1 to 13;*

(6) ensure that hearing instruments are dispensed in compliance with requirements of the Federal Food and Drug Administration.

For the purposes of clauses (1) to (6) the department shall adopt rules to carry out sections 1 to 13.

Subd. 2. [CONTESTED CASES.] The department shall comply with the contested case provisions of chapter 14 before it fails to issue, fails to renew, suspends, or revokes any license issued under sections 1 to 13.

Subd. 3. [REINSTATEMENT OF LICENSE.] A license that has been suspended or revoked may be reinstated by the department if the holder of the license pays all costs of the proceedings resulting in the suspension or revocation and also pays a fee set by the department.

### Sec. 3. [153A.03] [EXAMINATIONS; FEES.]

The department shall give reasonable notice of all examinations by mail to known applicants for examination. Testing of applicants must occur at least three times annually and at intervals no greater than five calendar months apart. The department shall record the names of all persons licensed as hearing instrument dispensers, together with the grounds upon which the right of each to licensure was claimed. The department may establish the fee for examination. The fee may, in the discretion of the department, be returned to applicants not taking the examination.

### Sec. 4 [153A.04] [CONTENTS OF EXAMINATION.]

Testing for licensure as a hearing instrument dispenser must consist of written, oral, and practical tests. The tests must be objective in method and applied in a consistent manner and must include the following subjects: (1) basic physics of sound; (2) the structure and function of hearing instruments; (3) the fitting of hearing instruments; (4) puretone audiometry, including air conduction testing and bone conduction testing; (5) live voice or record voice speech audiometry, or both; (6) recording and evaluation of audiograms and speech audiometry to determine the hearing instrument candidacy; (7) selection and adaptation of hearing instruments; (8) the taking of ear mold impressions; (9) indications suggesting the need for referral to competent medical personnel for diagnosis and treatment of any disease or injury; and (10) knowledge of the federal and state laws regarding hearing instrument dispensing. The examination must not test knowledge of either the diagnosis or the treatment of any disease or injury to the human body. The commission

*shall consult with otolaryngologists, audiologists, and hearing instrument dispensers in connection with preparation of the examination.*

**Sec. 5. [153A.05] [QUALIFICATIONS OF APPLICANTS.]**

*To be entitled to examination as a hearing instrument dispenser, the applicant must be of good moral character and at least 18 years old and meet educational criteria established for licensure by the department.*

**Sec. 6. [153A.06] [RECIPROCITY; LICENSURE.]**

*The department may in its discretion grant licensure without examination to any hearing instrument dispenser licensed by the regulatory agency of another state that gives similar recognition to licensees of this state. The department may grant such licensure if it finds that the requirements for licensure in the other state are equivalent to those provided in sections 1 to 13. The department may set the fee for licensure by rule.*

**Sec. 7. [153A.07] [RENEWAL FEE; CONTINUING EDUCATION.]**

*Subdivision 1. [FEE.] Every person licensed by the department shall pay to the department a renewal fee to be fixed by it. The commissioner may establish by rule a charge to be assessed for the delinquent payment of a fee. It is unlawful for a person who refuses or fails to pay the renewal fee to practice hearing instrument dispensing in this state. Every license expires at the time prescribed in the license.*

*Subd. 2. [TASK FORCE ON CONTINUING EDUCATION.] The commissioner may appoint an advisory task force on continuing education, consisting of not more than ten members, including consumers, hearing instrument dispensers, audiologists, and otolaryngologists to study continuing education programs and requirements and to submit its report and recommendations to the department. The task force expires and the compensation and removal of members are as provided in section 15.059.*

**Sec. 8. [153A.08] [REINSTATEMENTS.]**

*A person who has been licensed as a hearing instrument dispenser and has defaulted in the payment of the renewal fee may be reinstated within two years of default without examination, upon payment of the arrears and upon compliance with education requirements established under section 7, subdivision 2.*

Sec. 9. [153A.09] [UNLAWFUL USE OF HEARING INSTRUMENT DISPENSER.]

*It is unlawful for any person to falsely assume or pretend to the title of hearing instrument dispenser.*

Sec. 10. [153A.10] [BOND REQUIRED.]

*A sole proprietor, partnership, association, or corporation engaged in the practice of hearing instrument dispensing shall provide a surety bond in favor of the state of Minnesota in the amount of \$10,000 for every five or fewer of its licensees engaged in the practice of hearing instrument dispensing, but a bond in excess of \$20,000 is not required of a business entity regardless of the number of licensed persons.*

Sec. 11. [153A.11] [EXPENSES.]

*The expenses of administering sections 1 to 9 must be paid from the appropriations made to the department.*

Sec. 12. [153A.12] [PROHIBITED ACTS.]

*No person may:*

*(1) fit, deliver, dispense, sell, or offer for sale at retail any hearing instrument without first obtaining a license;*

*(2) receive any portion of the profits from the fitting, dispensing, or sale of hearing instruments at retail unless the person is licensed under this chapter or employs a person licensed under this chapter;*

*(3) conduct a business engaged in the fitting, dispensing, or sale of hearing instruments at retail without a licensed hearing instrument dispenser or person licensed under chapter 147 in charge;*

*(4) fit, dispense, assist in selection, or sell a hearing instrument at retail exclusively by means of telephonic or mailed communication, or both; or*

*(5) prescribe or otherwise recommend to any person the use of a hearing instrument unless the prescription or recommendation is in writing and delivered to the person to whom it relates, and which shall bear the following information in 12 point or larger bold type: HEARING INSTRUMENTS MAY BE PURCHASED FROM ANY LICENSED HEARING INSTRUMENT DISPENSER OR PHYSICIAN. THIS PRESCRIPTION MAY BE FILLED BY THE DISPENSER OR PHYSICIAN OF YOUR CHOICE.*

*A prescription or written recommendation shall include, upon patient authorization, any audiogram upon which the prescription or recommendation is based.*

*The attorney general shall enforce this section in the manner provided by section 8.31, but there is no private remedy as provided by section 8.31, subdivision 3a.*

### Sec. 13. [153A.13] [ADVERTISING.]

*The commissioner shall adopt rules respecting advertising of the fitting, dispensing, and sale of hearing instruments. However, the commissioner must not adopt a rule that:*

*(1) restricts the licensee's use of any medium for advertising;*

*(2) restricts the licensee's personal appearance or use of his or her voice in an advertisement;*

*(3) relates to the size or duration of an advertisement by the licensee; or*

*(4) restricts the licensee's advertisement under a trade name.*

### Sec. 14. [APPLICATION.]

*Sections 1 to 13 have no application to persons licensed under Minnesota Statutes, chapter 147 or to audiologists who hold the certificate of clinical competence of the American speech-language-hearing association. The board of medical examiners shall have jurisdiction to regulate the dispensing of hearing instruments by persons licensed under chapter 147.*

### Sec. 15. [APPROPRIATION.]

*\$ . . . . . is appropriated from the general fund to the department of commerce to implement sections 1 to 13, to be available until June 30, 1987.*

### Sec. 16. [EFFECTIVE DATES.]

*Sections 1 to 8, 10, 11, 13, and 14 are effective July 1, 1985. Sections 9, 12, and 13 are effective July 1, 1986."*

Delete the title and insert:

"A bill for an act relating to occupations and professions; providing for licensure of persons engaged in the sale of hearing instruments; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 153A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

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.

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 reregister 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. [LICENSES.] 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 a \$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 ap-*

*proved 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 semitrailers 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 reasonable 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;

(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. [STUDY.]

*The transportation committees of the house of representatives and the senate shall study and report to the legislature on which state agency should enforce laws relating to motor carriers and transportation of hazardous materials. The report shall recommend placing enforcement responsibility for these laws in one agency. The report must be submitted before January 1, 1986, and shall include proposed legislation necessary to implement the recommendations.*

## Sec. 28. [REPEALER.]

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

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 repairation 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; 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, sub-

divisions 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.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 658, 769, 810, 828, 1083, 1175 and 1258 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 866, 928 and 930 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, K., introduced:

H. F. No. 1679, A bill for an act relating to horse racing; imposing a tax for the funding of social services programs; amending Minnesota Statutes 1984, section 240.15, subdivisions 1 and 6.

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

Segal and Ogren introduced:

H. F. No. 1680, A bill for an act relating to traffic regulations; requiring school buses to have seat belts; amending Minnesota Statutes 1984, section 169.44, subdivision 9.

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

Carlson, D.; Solberg and Neuenschwander introduced:

H. F. No. 1681, A bill for an act relating to natural resources; providing for an administrative process for the designation of peatland scientific and natural areas; establishing powers and duties of the commissioner of natural resources; requiring local participation in the designation process; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Staten, Greenfield, Segal, Clark and Wynia introduced:

H. F. No. 1682, A bill for an act relating to taxation; sales and use; exempting certain persons age 65 or over; amending Minnesota Statutes 1984, section 297A.25, subdivision 1.

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

Segal and Greenfield introduced:

H. F. No. 1683, A bill for an act relating to human services; requiring a study of medical assistance payments to day treatment programs for the mentally ill.

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

#### HOUSE ADVISORIES

The following House Advisories were introduced:

Valento and Skoglund introduced:

H. A. No. 47, A proposal to study the feasibility of building a convention center in Minneapolis.

The advisory was referred to the Committee on Local and Urban Affairs.

Clark, Staten, Greenfield and Gruenes introduced:

H. A. No. 48, A proposal to study the health care problems of uninsured children.

The advisory was referred to the Committee on Health and Human Services.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

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

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

The Senate has appointed as such Committee Messrs. Langseth, Stumpf and DeCramer.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

H. F. No. 968, A bill for an act relating to education; permitting payroll deductions in the state university system for a certain nonprofit university foundation; proposing coding for new law in Minnesota Statutes, chapter 136.

PATRICK E. FLAHAVEN, Secretary of the Senate

Thorson moved that the House refuse to concur in the Senate amendments to H. F. No. 968, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

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

S. F. No. 331.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 331

A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

May 13, 1985

The Honorable Jerome M. Hughes  
President of the Senate

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

We, the undersigned conferees for S. F. No. 331, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 331 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [390.36] [CORONER REMOVAL OF PITUITARY GLAND DURING AUTOPSY.]

*A county coroner who performs an autopsy under sections 390.11, 390.32, or any other general or local law relating to county coroners or medical examiners, may remove the pituitary gland from the body and give it to the national pituitary agency, or any other agency or organization, for research if the following conditions have been met:*

*(a) the removal would not alter a gift made under sections 525.921 to 525.93;*

*(b) the coroner or medical examiner has no knowledge of any objection to the removal by the decedent or other person having the right to control the disposition of the body; and*

*(c) the coroner or medical examiner has followed generally accepted ethical guidelines and the removal would not violate the tenets of the deceased's religion."*

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

Senate Conferees: BETTY A. ADKINS, MARILYN M. LANTRY and DEAN E. JOHNSON.

House Conferees: BOB MCEACHERN, BRAD STANIUS and KATHLEEN VELLENGA.

McEachern moved that the report of the Conference Committee on S. F. No. 331 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 331, A bill for an act relating to health; permitting the county coroner to remove the pituitary gland from a body under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 390.

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

The question was taken on the repassage of the bill and the roll was called. There were 90 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Backlund	Greenfield	Marsh	Peterson	Simoneau
Beard	Gruenes	McDonald	Piepho	Skoglund
Boerboom	Gutknecht	McEachern	Piper	Sparby
Boo	Hartinger	Metzen	Poppenhagen	Svigum
Brown	Hartle	Miller	Price	Thiede
Burger	Haukoos	Munger	Quist	Thorson
Carlson, L.	Heap	Murphy	Rees	Tjornhom
Clark	Jacobs	Nelson, D.	Rest	Tunheim
Clausnitzer	Jaros	Nelson, K.	Richter	Valan
Cohen	Johnson	Neuenschwander	Riveness	Vanasek
DenOuden	Kahn	Norton	Rodosovich	Vellenga
Dimler	Kalis	O'Connor	Rose	Voss
Dyke	Knickerbocker	Olson, E.	Sarna	Waltman
Ellingson	Knuth	Onnen	Schafer	Welle
Forsythe	Kostohryz	Osthoff	Scheid	Wenzel
Frederick	Krueger	Ozment	Schoenfeld	Wynia
Frederickson	Levi	Pappas	Segal	Zaffke
Frerichs	Lieder	Pauly	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Brinkman	McPherson	Omann	Staten	Tompkins
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The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 33, A bill for an act relating to crimes; providing for penalties upon conviction of certain hit and run violations; enhancing penalties upon conviction of certain hit and run violations; amending Minnesota Statutes 1984, section 169.09, subdivision 14.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pogemiller, Knaak and Dahl.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Hartinger moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 33. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 295, A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accelerate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Willet, Dicklich and Pehler.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Zaffke moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 295. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Merriam, Petty and Belanger.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Levi moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1176. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 339 and 719.

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. 708 and 977.

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. 304 and 1130.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 339, A bill for an act relating to human services; establishing a program in the department of economic security to distribute grants to centers that provide independent living services; amending Minnesota Statutes 1984, section 129A.01; proposing coding for new law in Minnesota Statutes, chapter 129A.

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

S. F. No. 719, A bill for an act relating to wild animals; authorizing the commissioner of natural resources to permit, on an experimental basis, the taking of two deer by one hunter, under conditions and restrictions prescribed by order; requiring the removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

The bill was read for the first time.

Rose moved that S. F. No. 719 and H. F. No. 940, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 708, A bill for an act relating to the legislature; providing for expanded authority of the legislative coordinating commission; establishing the position of director of protocol services; amending Minnesota Statutes 1984, sections 3.095; 3.29, subdivision 7; 3.30, subdivision 2; 3.3025, sub-

division 2; 3.303, by adding a subdivision; 3.304, subdivision 2a; 3.305; 3.351, subdivision 5; 3.85, subdivision 5; 3.855, by adding a subdivision; 3.865, subdivision 7; 3.9222, subdivision 6; 3.97, subdivision 5; 3C.02, subdivision 5; 3C.10, subdivision 3; 14.39; 16B.58, subdivision 6; 43A.18, subdivision 6; 86.08, subdivision 1; 115A.14, subdivision 2; and 161.1419, subdivision 4; Laws 1983, chapter 199, section 17, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 1.

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

S. F. No. 977, 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; 206.83; and 206.84, subdivision 3.

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

S. F. No. 304, A bill for an act relating to transportation; motor carriers; providing for annual increases in gross weight tax rates; establishing a gross vehicle weight limitation for state trunk highways; revising the gross weight seasonal zone; providing for ten percent overweight allowance for movement of potatoes and sugar beets; allowing wide loads of baled agricultural products to travel certain roads at certain times by annual permit; removing a requirement that wide loads be marked by flashing amber lights; requiring a district priority list; providing that a county may challenge a seasonal weight restriction imposed by the commissioner; appropriating money; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 169.81, subdivision 2; 169.825, subdivisions 8, 10, and 11, and by adding a subdivision; 169.833; 169.86, subdivisions 1a, 2, 5, and by adding a subdivision; 169.862; and 169.87, subdivision 1, and by adding a subdivision.

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

S. F. No. 1130, A bill for an act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

The bill was read for the first time.

Onnen moved that S. F. No. 1130 and H. F. No. 1436, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. No. 490; S. F. No. 818; H. F. No. 646; S. F. No. 251 and H. F. No. 1256.

H. F. No. 490, A bill for an act relating to state government; requiring preparation of fiscal notes for mandates to local units of government; amending Minnesota Statutes 1984, sections 3.98, subdivision 1; and 14.131; proposing coding for new law in Minnesota Statutes, chapter 3.

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

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bennett	Boo	Brown	Carlson, L.
Backlund	Bishop	Brandl	Burger	Clark
Beard	Boerboom	Brinkman	Carlson, D.	Clausnitzer

Cohen	Johnson	Nelson, K.	Rees	Thiede
DenOuden	Kahn	Neuenschwander	Rest	Thorson
Dimler	Kalis	Norton	Richter	Tjornhom
Dyke	Kiffmeyer	O'Connor	Riveness	Tompkins
Ellingson	Knickerbocker	Ogren	Rodosovich	Tunheim
Fjoslien	Knuth	Olson, E.	Sarna	Uphus
Forsythe	Kostohryz	Omann	Schafer	Valan
Frederick	Krueger	Onnen	Scheid	Valento
Frederickson	Levi	Osthoff	Schoenfeld	Vanasek
Frerichs	Lieder	Otis	Seaberg	Voss
Greenfield	Marsh	Ozment	Segal	Waltman
Gruenes	McDonald	Pappas	Shaver	Welle
Gutknecht	McEachern	Pauly	Sherman	Wenzel
Halberg	McPherson	Peterson	Simoneau	Wynia
Hartinger	Metzen	Piepho	Skoglund	Zaffke
Hartle	Miller	Poppenhagen	Sparby	Spk. Jennings, D.
Haukoos	Munger	Price	Stanius	
Jacobs	Murphy	Quist	Staten	
Jaros	Nelson, D.	Redalen	Sviggum	

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE

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

Anderson, G.	Fjoslien	Kostohryz	Otis	Skoglund
Backlund	Forsythe	Krueger	Pappas	Sparby
Beard	Frederick	Levi	Pauly	Staten
Bennett	Frederickson	Lieder	Peterson	Sviggum
Bishop	Greenfield	Marsh	Piper	Thiede
Boerboom	Gruenes	McDonald	Poppenhagen	Thorson
Boo	Gutknecht	McEachern	Price	Tjornhom
Brandl	Halberg	McPherson	Quist	Tompkins
Brinkman	Hartinger	Metzen	Redalen	Tunheim
Brown	Hartle	Miller	Rest	Valan
Carlson, D.	Haukoos	Murphy	Richter	Vanasek
Carlson, L.	Heap	Nelson, D.	Rodosovich	Voss
Clark	Jacobs	Nelson, K.	Sarna	Waltman
Clausnitzer	Jaros	Norton	Schafer	Welle
Cohen	Johnson	Ogren	Schoenfeld	Wenzel
DenOuden	Kalis	Olson, E.	Seaberg	Zaffke
Dimler	Kiffmeyer	Omann	Segal	Spk. Jennings, D.
Dyke	Knickerbocker	Onnen	Sherman	
Ellingson	Knuth	Osthoff	Simoneau	

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

S. F. No. 818, A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment

and training; transferring responsibilities of the department of economic security to the department of employment and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of employment and training; providing for biennial statewide plans for employment and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting rule-making authority; changing formulas for paying local agencies for general assistance grants to recipients subject to work requirements; removing a sunset provision from the Minnesota emergency employment development act; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.80; and 268.81.

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.

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

There were 96 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Burger	Fjoslien	Haukoos	Levi
Backlund	Carlson, D.	Forsythe	Heap	Lieder
Beard	Carlson, L.	Frederick	Jacobs	Marsh
Bennett	Clausnitzer	Frederickson	Johnson	McDonald
Bishop	Cohen	Frerichs	Kalis	McEachern
Blatz	Dempsey	Gruenes	Kiffmeyer	McLaughlin
Boerboom	DenOuden	Gutknecht	Knickerbocker	McPherson
Boo	Dimler	Halberg	Knuth	Metzen
Brinkman	Dyke	Hartinger	Kostohryz	Miller
Brown	Ellingson	Hartle	Krueger	Munger

Murphy	Peterson	Riveness	Simoneau	Vanasek
Nelson, D.	Piepho	Rodosovich	Stanius	Voss
Nelson, K.	Piper	Rose	Svigum	Waltman
O'Connor	Price	Sarna	Thiede	Welle
Olsen, S.	Quinn	Schafer	Thorsen	Wenzel
Omann	Quist	Scheid	Tjornhom	Spk. Jennings, D.
Onnen	Redalen	Schoenfeld	Tompkins	
Otis	Rees	Segal	Tunheim	
Ozment	Rest	Shaver	Valan	
Pauly	Richter	Sherman	Valento	

Those who voted in the negative were:

Clark	Jaros	Norton	Pappas	Staten
Greenfield	Kahn	Osthoff	Skoglund	Wynia

The bill was passed and its title agreed to.

H. F. No. 646, A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7; 386.77; 387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

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.

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

There were 100 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Hartinger	McDonald	Osthoff
Backlund	Clausnitzer	Hartle	McEachern	Ozment
Beard	Cohen	Haukoos	McPherson	Pappas
Becklin	Dempsey	Jacobs	Metzen	Pauly
Bennett	DenOuden	Jaros	Miller	Peterson
Bishop	Dimler	Kalis	Munger	Piepho
Blatz	Dyke	Kelly	Murphy	Piper
Boerboom	Fjoslien	Kiffmeyer	Nelson, D.	Poppenhagen
Boo	Forsythe	Knickerbocker	Nelson, K.	Price
Brandl	Frederick	Knuth	O'Connor	Quinn
Brinkman	Frederickson	Kostohryz	Ogren	Quist
Brown	Frerichs	Krueger	Olsen, S.	Redalen
Burger	Gruenes	Levi	Olson, E.	Rees
Carlson, D.	Gutknecht	Lieder	Omann	Rest
Carlson, J.	Halberg	Marsh	Onnen	Richter

Riveness	Scheid	Stanis	Tompkins	Vanasek
Rodosovich	Schoenfeld	Sviggun	Tunheim	Waltman
Rose	Segal	Thiede	Uphus	Wenzel
Sarna	Shaver	Thorson	Valan	Zaffke
Schafer	Sherman	Tjornhom	Valento	Spk. Jennings, D.

Those who voted in the negative were:

Clark	Kahn	Norton	Skoglund	Voss
Ellingson	Long	Simoneau	Staten	Wynia
Greenfield				

The bill was passed and its title agreed to.

S. F. No. 251, A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

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.

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

There were 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kiffmeyer	O'Connor	Riveness
Backlund	DenOuden	Knickerbocker	Ogren	Rodosovich
Beard	Dyke	Knuth	Olsen, S.	Rose
Becklin	Ellingson	Krueger	Omann	Sarna
Bennett	Fjoslien	Levi	Onnen	Schafer
Bishop	Frederick	Lieder	Osthoff	Scheid
Blatz	Frederickson	Long	Otis	Schoenfeld
Boerboom	Greenfield	Marsh	Ozment	Segal
Boo	Gruenes	McDonald	Pappas	Shaver
Brandl	Gutknecht	McEachern	Pauly	Sherman
Brinkman	Halberg	McLaughlin	Peterson	Simoneau
Brown	Hartinger	McPherson	Piper	Skoglund
Burger	Hartle	Metzen	Poppenhagen	Sparby
Carlson, D.	Jacobs	Miller	Price	Stanis
Carlson, J.	Jaros	Munger	Quinn	Staten
Carlson, L.	Johnson	Murphy	Redalen	Sviggun
Clark	Kahn	Nelson, D.	Rees	Thiede
Clausnitzer	Kalis	Nelson, K.	Rest	Thorson
Cohen	Kelly	Norton	Rice	Tjornhom

Tomlinson  
Tompkins  
Tunheim

Uphus  
Valento  
Vanasek

Vellenga  
Voss  
Waltman

Welle  
Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 1256 was reported to the House.

Riveness offered an amendment to H. F. No. 1256.

#### POINT OF ORDER

DenOuden raised a point of order pursuant to rule 5.10 that the Riveness amendment was out of order. The Speaker ruled the DenOuden point of order well taken and the Riveness amendment out of order.

H. F. No. 1256 was read for the third time.

#### MOTION FOR RECONSIDERATION

There being no objection the action whereby H. F. No. 1256 was given its third reading was reconsidered.

Knuth moved to amend H. F. No. 1256, the second engrossment, as follows:

Page 2, line 25, after "fee" delete "of not less than \$25 *nor more than \$750*"

A roll call was requested and properly seconded.

The question was taken on the Knuth amendment and the roll was called.

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

There were 42 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Battaglia  
Begich  
Brandl  
Brown  
Carlson, L.  
Clark  
Clausnitzer  
Cohen  
Elioff

Ellingson  
Greenfield  
Jaros  
Kahn  
Knuth  
Kostohryz  
Long  
McLaughlin  
Minne

Munger  
Murphy  
Nelson, D.  
Nelson, K.  
Norton  
Osthoff  
Otis  
Pappas  
Peterson

Piper  
Price  
Rest  
Riveness  
Scheid  
Segal  
Simoneau  
Skoglund  
Sparby

Staten  
Tunheim  
Vanasek  
Vellenga  
Voss  
Wynia

Those who voted in the negative were:

Anderson, G.	Fjoslien	Knickerbocker	Piepho	Sviggum
Anderson, R.	Forsythe	Krueger	Poppenhagen	Thiede
Backlund	Frederick	Levi	Quinn	Thorson
Bennett	Frederickson	Lieder	Quist	Tjornhom
Bishop	Frerichs	Marsh	Redalen	Tompkins
Blatz	Gruenes	McDonald	Rees	Uphus
Boerboom	Gutknecht	McEachern	Richter	Valan
Boo	Halberg	McKasy	Rodosovich	Valento
Brinkman	Hartinger	McPherson	Sarna	Waltman
Burger	Hartle	Metzen	Schafer	Welle
Carlson, D.	Haukoos	Miller	Schoenfeld	Wenzel
Carlson, J.	Heap	O'Connor	Schreiber	Zaffke
DenOuden	Jacobs	Ogren	Shaver	Spk. Jennings, D.
Dimler	Johnson	Omann	Sherman	
Dyke	Kalis	Onnen	Solberg	
Erickson	Kiffmeyer	Ozment	Stanisus	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1256, A bill for an act relating to natural resources; altering certain provisions regarding water permit and annual water appropriation processing fees; amending Minnesota Statutes 1984, sections 105.41, subdivision 5; and 105.44, subdivision 10.

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

The question was taken on the passage of the bill and the roll was called.

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

There were 106 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Haukoos	Murphy	Quist
Anderson, R.	Clausnitzer	Heap	Nelson, D.	Redalen
Backlund	Cohen	Jacobs	Nelson, K.	Rees
Battaglia	DenOuden	Kahn	Neuenschwander	Rest
Beard	Dimler	Kalis	Olsen, S.	Rice
Becklin	Dyke	Kiffmeyer	Olson, E.	Richter
Begich	Elioff	Knickerbocker	Omann	Riveness
Bennett	Erickson	Knuth	Onnen	Rodosovich
Bishop	Fjoslien	Krueger	Osthoff	Schafer
Blatz	Forsythe	Levi	Otis	Scheid
Boerboom	Frederick	Lieder	Ozment	Schoenfeld
Boo	Frederickson	Long	Pappas	Schreiber
Brandl	Frerichs	Marsh	Pauly	Segal
Brinkman	Gruenes	McDonald	Piepho	Shaver
Brown	Gutknecht	McPherson	Piper	Sherman
Burger	Halberg	Metzen	Poppenhagen	Simoneau
Carlson, D.	Hartinger	Miller	Price	Solberg
Carlson, J.	Hartle	Minne	Quinn	Sparby

Stanis	Tjornhom	Uphus	Vellenga	Wenzel
Sviggum	Tompkins	Valan	Waltman	Zaffke
Thiede	Tunheim	Valento	Welle	Spk. Jennings, D.
Thorson				

Those who voted in the negative were:

Clark	Kostohryz	Norton	Sarna	Vanasek
Ellingson	McEachern	O'Connor	Skoglund	Voss
Greenfield	McLaughlin	Ogren	Staten	Wynia
Jaros	Munger	Peterson		

The bill was passed and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for today, Thursday, May 16, 1985:

S. F. Nos. 521, 557, 1148, 581, 658, 1357, 966, 664, 650 and 863; H. F. No. 961; S. F. Nos. 1159, 1434, 1278, 1187, 1238, 721, 597, 1220, 1447, 616, 35, 243, 1279 and 825; H. F. Nos. 957 and 1064; and S. F. No. 1506.

#### SPECIAL ORDERS

Backlund and McLaughlin were excused while in conference.

The Speaker called Halberg to the Chair.

S. F. No. 521 was reported to the House.

Marsh offered an amendment to S. F. No. 521.

#### POINT OF ORDER

Staten raised a point of order pursuant to rule 3.9 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order well taken and the Marsh amendment out of order.

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 offi-

cers 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1148, A bill for an act relating to commerce; defining "trade secret"; amending Minnesota Statutes 1984, section 325C.01, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called.

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

There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brinkman	Carlson, D.
Backlund	Begich	Boo	Brown	Carlson, J.
Battaglia	Bennett	Brandl	Burger	Carlson, L.

Clark	Himle	Munger	Quinn	Sviggum
Clausnitzer	Jacobs	Murphy	Quist	Thiede
Cohen	Jaros	Nelson, D.	Redalen	Thorson
Dempsey	Johnson	Nelson, K.	Rees	Tjornhom
DenOuden	Kahn	Neuenschwander	Rest	Tomlinson
Dimler	Kalis	Norton	Rice	Tompkins
Dyke	Kiffmeyer	O'Connor	Richter	Tunheim
Elioff	Knickerbocker	Ogren	Riveness	Uphus
Ellingson	Knuth	Olsen, S.	Rodosovich	Valan
Forsythe	Kostohryz	Olsen, E.	Rose	Valento
Frederick	Krueger	Omann	Sarna	Vanasek
Frederickson	Levi	Onnen	Schafer	Vellenga
Frerichs	Lieder	Osthoff	Scheid	Voss
Greenfield	Long	Otis	Schoenfeld	Waltman
Gruenes	Marsh	Ozment	Segal	Welle
Gutknecht	McDonald	Pappas	Sherman	Wenzel
Halberg	McEachern	Pauly	Simoneau	Wynia
Hartinger	McKasy	Peterson	Skoglund	Zaffke
Hartle	McPherson	Piper	Sparby	Spk. Jennings, D.
Haukoos	Metzen	Poppenhagen	Stanius	
Heap	Minne	Price	Staten	

The bill was passed and its title agreed to.

Rose was excused between the hours of 1:15 p.m. and 2:30 p.m.

S. F. No. 581, A bill for an act relating to commerce; authorizing certain investments in obligations of or guaranteed by the United States and certain other authorized securities; amending Minnesota Statutes 1984, sections 48.61, by adding a subdivision; 475.66, subdivision 3; and 501.125, by adding a subdivision; and 501.66, 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.

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

There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Dimler	Gutknecht	Kahn
Backlund	Brown	Dyke	Halberg	Kalis
Battaglia	Burger	Elioff	Hartinger	Kelly
Beard	Carlson, D.	Ellingson	Hartle	Kiffmeyer
Becklin	Carlson, L.	Fjoslien	Haukoos	Knickerbocker
Begich	Clark	Frederick	Heap	Knuth
Bennett	Clausnitzer	Frederickson	Himle	Kostohryz
Blatz	Cohen	Frerichs	Jacobs	Krueger
Boo	Dempsey	Greenfield	Jaros	Levi
Brandl	DenOuden	Gruenes	Johnson	Lieder

Long	Ogren	Price	Segal	Tompkins
Marsh	Olsen, S.	Quinn	Shaver	Tunheim
McDonald	Olson, E.	Quist	Sherman	Uphus
McEachern	Omann	Redalen	Simoneau	Valento
McPherson	Onnen	Rees	Skoglund	Vanasek
Metzen	Osthoff	Rest	Solberg	Vellenga
Minne	Otis	Rice	Sparby	Voss
Munger	Ozment	Richter	Stanis	Waltman
Murphy	Pappas	Riveness	Staten	Welle
Nelson, D.	Pauly	Rodosovich	Sviggum	Wenzel
Nelson, K.	Peterson	Sarna	Thiede	Wynia
Neuenschwander	Piepho	Schafer	Thorson	Zaifke
Norton	Piper	Scheid	Tjornhom	Spk. Jennings, D.
O'Connor	Poppenhagen	Schoenfeld	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 658 was reported to the House.

There being no objection S. F. No. 658 was temporarily laid over on Special Orders.

S. F. No. 1357 was reported to the House.

There being no objection S. F. No. 1357 was temporarily laid over on Special Orders.

Bishop, DenOuden and Piepho were excused while in conference.

S. F. No. 966, A bill for an act relating to health; requiring a study and a report on the needs of persons with brain impairments.

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.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Brown	Dyke	Hartinger	Kelly
Battaglia	Burger	Elioff	Hartle	Kiffmeyer
Beard	Carlson, D.	Ellingson	Haukoos	Knickerbocker
Becklin	Carlson, L.	Fjoslien	Heap	Kostohryz
Begich	Clark	Frederickson	Himle	Krueger
Bennett	Clausnitzer	Frerichs	Jacobs	Kvam
Blatz	Cohen	Greenfield	Jaros	Levi
Boerboom	Dempsey	Gruenes	Johnson	Lieder
Brandl	DenOuden	Gutknecht	Kahn	Long
Brinkman	Dimler	Halberg	Kalis	Marsh

McDonald	Ogren	Quist	Simoneau	Uphus
McEachern	Olsen, S.	Redalen	Skoglund	Valan
McKasy	Olson, E.	Rees	Solberg	Valento
McPherson	Omann	Rest	Sparby	Vanasek
Metzen	Osthoff	Richter	Stanius	Vellenga
Minne	Otis	Riveness	Staten	Voss
Munger	Ozment	Rodosovich	Sviggum	Waltman
Murphy	Pappas	Sarna	Thiede	Welle
Nelson, D.	Pauly	Schafer	Thorson	Wenzel
Nelson, K.	Peterson	Scheid	Tjornhom	Wynia
Neuenschwander	Piper	Schoenfeld	Tomlinson	Zaffke
Norton	Price	Shaver	Tompkins	Spk. Jennings, D.
O'Connor	Quinn	Sherman	Tunheim	

The bill was passed and its title agreed to.

S. F. No. 658 which was temporarily laid over earlier today was again reported to the House.

Thiede moved to amend S. F. No. 658, as follows :

Page 4, delete lines 1 through 12.

Renumber the sections accordingly.

Further, amend the title as follows :

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

Page 1, line 6, after the first semi-colon insert "and"

Page 1, line 7, delete "and 100.29, subdivision 8;"

A roll call was requested and properly seconded.

The question was taken on the Thiede amendment and the roll was called.

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

There were 88 yeas and 33 nays as follows :

Those who voted in the affirmative were :

Anderson, R.	Blatz	Carlson, L.	Forsythe	Hartle
Backlund	Boerboom	Dempsey	Frederick	Haukoos
Battaglia	Boo	DenOuden	Frederickson	Heap
Beard	Brinkman	Dimler	Frerichs	Jacobs
Becklin	Brown	Dyke	Gutknecht	Jaros
Begich	Burger	Elioff	Halberg	Johnson
Bishop	Carlson, D.	Fjoslien	Hartinger	Kalis

Kiffmeyer	McPherson	Osthoff	Riveness	Tunheim
Knickerbocker	Metzen	Ozment	Rodosovich	Uphus
Knuth	Minne	Pauly	Sarna	Valan
Kostohryz	Munger	Peterson	Schafer	Valento
Krueger	Murphy	Piper	Scheid	Vanasek
Kvam	Nelson, D.	Poppenhagen	Shaver	Waltman
Levi	O'Connor	Quinn	Sparby	Wenzel
Lieder	Ogren	Redalen	Sviggum	Zaffke
Marsh	Olsen, S.	Rees	Thiede	Spk. Jennings, D.
McDonald	Oison, E.	Rest	Thorson	
McEachern	Onnen	Richter	Tjornhom	

Those who voted in the negative were:

Anderson, G.	Greenfield	Neuenschwander	Schoenfeld	Tompkins
Bennett	Gruenes	Norton	Segal	Vellenga
Brandl	Jennings, L.	Omann	Simoneau	Voss
Clark	Kahn	Otis	Skoglund	Welle
Clausnitzer	Kelly	Pappas	Solberg	Wynia
Cohen	Long	Price	Stanius	
Ellingson	Nelson, K.	Rice	Tomlinson	

The motion prevailed and the amendment was adopted.

S. F. No. 658, A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 16; 98.46, subdivision 5; 98.52, by adding a subdivision; 100.273, subdivisions 6 and 9; and 100.29, subdivision 8; repealing Minnesota Statutes 1984, section 97.55, subdivision 4.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Burger	Frederick	Johnson	Marsh
Battaglia	Carlson, D.	Frederickson	Kahn	McDonald
Beard	Carlson, L.	Frerichs	Kalis	McEachern
Becklin	Clark	Gruenes	Kelly	McLaughlin
Begich	Cohen	Gutknecht	Kiffmeyer	McPherson
Bennett	Dempsey	Halberg	Knickerbocker	Metzen
Bishop	DenOuden	Hartinger	Knuth	Minne
Blatz	Dimler	Hartle	Kostohryz	Munger
Boerboom	Dyke	Haukoos	Krueger	Murphy
Boo	Elioff	Heap	Kvam	Nelson, D.
Brandl	Ellingson	Jacobs	Levi	Nelson, K.
Brinkman	Fjoslien	Jaros	Lieder	Neuenschwander
Brown	Forsythe	Jennings, L.	Long	Norton

O'Connor	Peterson	Riveness	Staten	Vanasek
Ogren	Piper	Rodosovich	Svigum	Vellenga
Olsen, S.	Poppenhagen	Sarna	Thiede	Voss
Olson, E.	Price	Schafer	Thorson	Waltman
Omann	Quinn	Scheid	Tjornhom	Welle
Onnen	Quist	Schoenfeld	Tomlinson	Wenzel
Osthoff	Redalen	Shaver	Tompkins	Zaffke
Otis	Rees	Simoneau	Tunheim	Spk. Jennings, D.
Ozment	Rest	Solberg	Uphus	
Pappas	Rice	Sparby	Valan	
Pauly	Richter	Stanis	Valento	

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

S. F. No. 664, A bill for an act relating to natural resources; revising the boundaries of certain state forests; creating a new state forest; amending Minnesota Statutes 1984, section 89.021, subdivisions 18, 28, 33, and by adding a subdivision.

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.

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

There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Long

Osthoff

The bill was passed and its title agreed to.

S. F. No. 650 was reported to the House.

There being no objection S. F. No. 650 was temporarily laid over on Special Orders.

S. F. No. 863 was reported to the House.

There being no objection S. F. No. 863 was temporarily laid over on Special Orders.

H. F. No. 961 was reported to the House.

Nelson, D., moved to amend H. F. No. 961, the third engrossment, as follows:

Page 12, after line 19, insert:

"Sec. 16. Minnesota Statutes 1984, section 473.882, subdivision 1, is amended to read:

Subdivision 1. [WATERSHED MANAGEMENT TAX DISTRICT.] Any local government unit planning for water management under sections 473.878 and 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying the costs of the planning required under sections 473.878 and 473.879. Any local government unit which has part of its territory within a watershed for which a plan has been adopted in accordance with section 473.878 and which has a local water management plan adopted in accordance with section 473.879 may establish a watershed management tax district in the territory within the watershed, for the purpose of paying capital costs of the water management facilities described in the capital improvement program of the plans and for the purpose of paying for normal and routine maintenance of the facilities. A county or counties required by section 473.878, subdivision 2, to prepare, adopt, and implement a watershed plan (MAY) *shall* apportion the costs of planning, capital improvements, and maintenance *proportionate to benefits*. *The county may apportion the costs among the minor watershed units in the watershed, or among the statutory and home rule charter cities and towns having territory in the watershed, and for this purpose may establish more than one watershed management tax district in the watershed.*"

Amend the title as follows :

Page 1, line 7, after "board;" insert "amending Minnesota Statutes 1984, section 473.882, subdivision 1;"

The motion prevailed and the amendment was adopted.

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional duties of the water resources board; amending Minnesota Statutes 1984, section 473.882, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 110B.

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.

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

There were 120 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

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

S. F. No. 1159 was reported to the House.

Heap moved to amend S. F. No. 1159, as follows:

Page 12, line 23, after "(a)" insert "*For issuing public corporations incorporated under this chapter before August 1, 1985, this section applies to a control share acquisition*"

Page 12, lines 24 and 25, delete the new language

Page 12, line 25, strike "an" and insert "*the corporation. For*"

Page 12, line 25, strike "corporation" and insert "*corporations incorporated under this chapter on or after August 1, 1985*"

Page 12, line 26, reinstate "applies" and delete the new language

Page 12, line 27, before the period insert "*if so provided in the articles of the corporation*"

The motion prevailed and the amendment was adopted.

S. F. No. 1159, A bill for an act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

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.

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

There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Boo	Carlson, D.	Cohen
Anderson, R.	Begich	Brandl	Carlson, J.	Dempsey
Backlund	Bennett	Brinkman	Carlson, L.	DenOuden
Battaglia	Blatz	Brown	Clark	Dimler
Beard	Boerboom	Burger	Clausnitzer	Dyke

Elioff	Kalis	Nelson, D.	Quinn	Sviggum
Ellingson	Kelly	Nelson, K.	Redalen	Thiede
Fjoslien	Kiffmeyer	Neuenschwander	Rees	Thorson
Frederick	Knickerbocker	Norton	Rest	Tjornhom
Frederickson	Knuth	O'Connor	Richter	Tomlinson
Frerichs	Kostohryz	Ogren	Riveness	Tompkins
Greenfield	Krueger	Olsen, S.	Rodosovich	Tunheim
Gruenes	Levi	Olson, E.	Sarna	Uphus
Gutknecht	Lieder	Omann	Schafer	Valan
Halberg	Long	Onnen	Scheid	Valento
Hartinger	Marsh	Osthoff	Schoenfeld	Vanasek
Hartle	McDonald	Otis	Segal	Vellenga
Haukoos	McEachern	Ozment	Shaver	Voss
Heap	McLaughlin	Pappas	Sherman	Waltman
Jacobs	McPherson	Pauly	Simoneau	Welle
Jaros	Metzen	Peterson	Skoglund	Wenzel
Jennings, L.	Minne	Piper	Solberg	Wynia
Johnson	Munger	Poppenhagen	Stanius	Zaffke
Kahn	Murphy	Price	Staten	Spk. Jennings, D.

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

S. F. No. 1434, A bill for an act relating to real estate; providing for service in forcible entry and unlawful detainer actions; amending Minnesota Statutes 1984, section 566.06.

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.

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

There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	DenOuden	Kalis	Neuenschwander	Riveness
Anderson, R.	Dimler	Kelly	Norton	Rodosovich
Backlund	Dyke	Kiffmeyer	O'Connor	Sarna
Battaglia	Elioff	Knickerbocker	Ogren	Schafer
Beard	Ellingson	Knuth	Olson, E.	Scheid
Becklin	Fjoslien	Kostohryz	Omann	Schoenfeld
Begich	Forsythe	Krueger	Onnen	Segal
Bennett	Frederick	Levi	Osthoff	Shaver
Blatz	Frederickson	Lieder	Otis	Sherman
Boerboom	Frerichs	Long	Ozment	Simoneau
Boo	Greenfield	Marsh	Pappas	Skoglund
Brandl	Gruenes	McDonald	Pauly	Solberg
Brinkman	Gutknecht	McEachern	Peterson	Sparby
Brown	Hartinger	McLaughlin	Piper	Stanius
Burger	Hartle	McPherson	Poppenhagen	Staten
Carlson, D.	Haukoos	Metzen	Price	Sviggum
Carlson, L.	Heap	Minne	Quinn	Thiede
Clark	Jacobs	Munger	Redalen	Thorson
Clausnitzer	Jaros	Murphy	Rees	Tjornhom
Cohen	Jennings, L.	Nelson, D.	Rest	Tomlinson
Dempsey	Kahn	Nelson, K.	Richter	Tompkins

Tunheim  
Uphus  
Valan

Valento  
Vanasek  
Vellenga

Voss  
Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

Those who voted in the negative were:

Olsen, S.

The bill was passed and its title agreed to.

Boo and Haukoos were excused while in conference.

S. F. No. 1278, A bill for an act relating to financial institutions; providing for the extension of certain loan assumptions; amending Minnesota Statutes 1984, section 47.20, 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.

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

There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1187, A bill for an act relating to local government; regulating municipal employee residency requirements; exempting certain firefighters; amending Minnesota Statutes 1984, section 415.16, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called.

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

There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1238 was reported to the House.

Pauly, Bennett and Anderson, R., moved to amend S. F. No. 1238, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 340.031, subdivision 2, is amended to read:

Subd. 2. No manufacturer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease, or sell to any person any furniture, fixtures, fittings, or equipment; nor shall any manufacturer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail licenses, or advance, furnish, lend, or give money for the payment of retail license fees or any expense incident to the obtaining of a license; nor shall any manufacturer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer; except that manufacturers or wholesalers may:

(a) furnish, lend, or rent outside signs to retailers, provided the cost of such signs, in the aggregate, furnished, lent, or rented by any manufacturer or wholesaler to any retailer shall not exceed \$100, exclusive of erection, installation, and repair charges; (b) furnish inside signs, miscellaneous advertising matter, and other items not to exceed, in the aggregate, a cost of \$100 in any calendar year to any one retailer; (c) furnish or maintain for retailers equipment designed and intended to preserve and maintain the sanitary dispensing of non-intoxicating malt liquors, *including tap trailers, cold plates and other dispensing equipment*, provided the expense incurred thereby does not exceed the sum of \$100 per tap per calendar year, no part of which shall be paid in cash to any retailer; (d) lease or lend to the owner of the premises, or to any retailer now or hereafter occupying the premises, any furniture, fixtures, fittings, and equipment actually located on said premises on April 16, 1943.

Any retailer who shall be a party to any violation of this subdivision or who shall receive the benefits thereof shall be equally guilty of a violation of the provisions thereof and shall be subject to the penalty hereinafter provided.

Any person who shall violate the provisions of this subdivision is guilty of a gross misdemeanor, and each violation shall constitute a separate offense.

Sec. 3. Minnesota Statutes 1984, section 340.405, is amended to read:

**340.405 [BREWERS, WHOLESALERS; NOT TO BE RETAILERS.]**

No brewer or wholesaler shall, either directly or indirectly, own or control, or have any financial interest in, any retail business selling intoxicating malt liquor; but this restriction shall not be construed to deny such person the right to use or have his property rented for this purpose in any case where the brew-

er or wholesaler was a bona fide owner of the premises prior to November 1, 1933. No brewer or wholesaler shall, directly or indirectly, or through a subsidiary or affiliate corporation, or by any officer, director, stockholder, or partner thereof, give, lend, or advance any money, credit, or other thing of value to any retailer or to any person for the benefit or relief of any retailer, nor furnish, give, lend, lease, or sell to any person any furniture, fixtures, fittings, or equipment; nor shall any brewer or wholesaler, directly or indirectly, have any interest in, or pay for, any retail license, or advance, furnish, lend, or give money for the payment of retail license fees or any expense incident to the obtaining of a license; nor shall any brewer or wholesaler become bound in any manner, directly or indirectly, for the repayment of any loan made to, or the fulfillment of any financial obligation of, any retailer, except that brewers or wholesalers may: (1) furnish, lend, or rent outside signs to retailers, provided the cost of the signs, in the aggregate, furnished, lent or rented by any brewer or wholesaler to any retailer, including signs authorized by section 340.02, shall not exceed \$100, exclusive of erection, installation and repair charges; but nothing herein shall be construed as affecting signs owned and located in the state on the effective date hereof by any brewer or wholesaler; (2) furnish inside signs, miscellaneous advertising matter and other items not to exceed, in the aggregate, including similar items authorized by section 340.02, a cost of \$100 in any calendar year to any one retailer; (3) furnish or maintain for retailers equipment designed and intended to preserve and maintain the sanitary dispensing of intoxicating malt liquors, *including tap trailers, cold plates and other dispensing equipment*, provided the expense incurred thereby does not exceed the sum of \$100 per tap per calendar year, no part of which shall be paid in cash to any retailer."

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing beer wholesalers to provide certain equipment to retailers;"

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

Page 1, line 5, before "340.11" insert "340.031, subdivision 2;"

Page 1, line 5, after "subdivision" insert "; and 340.405"

The motion prevailed and the amendment was adopted.

Dempsey offered an amendment to S. F. No. 1238, as amended.

## POINT OF ORDER

Skoglund raised a point or order pursuant to rule 3.9 that the Dempsey amendment was not in order. The Speaker pro tempore Halberg ruled the Skoglund point of order well taken and the Dempsey amendment out of order.

S. F. No. 1238, A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

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.

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

There were 108 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

S. F. No. 650 which was temporarily laid over earlier today was again reported to the House.

Valento moved to amend S. F. No. 650, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 609.855, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] Whoever violates subdivision 1, 2, or 3 may be sentenced as follows:

(a) To imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or

(b) To (THE PENALTY IMPOSED IN SECTION 169.89, SUBDIVISION 2) *imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both*, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.

Sec. 2. [EFFECTIVE DATE.]

*Section 1 is effective August 1, 1985, and applies to crimes committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; increasing the penalty for an offense committed against a transit provider or operator when violence or a threat of violence is not involved; amending Minnesota Statutes 1984, section 609.855, subdivision 4."

The motion prevailed and the amendment was adopted.

Marsh moved to amend S. F. No. 650, as amended, as follows:

Page 1, after line 8, insert:

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

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

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

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

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

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

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

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

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

**609.245 [AGGRAVATED ROBBERY.]**

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

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

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

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

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

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

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

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

*A person convicted of committing burglary, as defined in subdivision 2, clause (c), who has two prior convictions for burglary under subdivision 2, clause (c), must be committed to the commissioner of corrections for a mandatory minimum term of*

*imprisonment of not less than 18 months, and not more than the maximum sentence provided by subdivision 2.*

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

Page 2, after line 20, insert:

**"Sec. 10. [629.73] [CONFINEMENT PENDING SENTENCING OF CERTAIN CONVICTED DEFENDANTS.]**

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

Page 2, line 22, delete "1 and 2" and insert "1 to 4, 8, and 9."

Page 2, line 23, after the period insert "Section 10 is effective August 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "establishing mandatory minimum terms of imprisonment for the crimes of residential burglary, burglary of an occupied dwelling, aggravated robbery of a pharmacy, and selling cocaine, heroin, and hallucinogens; creating a presumption in favor of the confinement of certain convicted defendants pending imposition of sentence;"

Page 1, line 5, delete "section" and insert "sections 152.15, by adding subdivisions; 609.245; 609.582, by adding subdivisions; and"

Page 1, line 6, before the period insert " ; proposing coding for new law in Minnesota Statutes, chapter 629"

A roll call was requested and properly seconded.

## POINT OF ORDER

Staten raised a point of order pursuant to rule 3.9 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order not well taken and the Marsh amendment in order.

## POINT OF ORDER

Staten raised a point of order pursuant to rule 3.10 that the Marsh amendment was not in order. The Speaker pro tempore Halberg ruled the Staten point of order not well taken and the Marsh amendment in order.

The question recurred on the Marsh amendment and the roll was called.

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

There were 112 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Greenfield      Kahn

The motion prevailed and the amendment was adopted.

S. F. No. 650, A bill for an act relating to crimes; increasing the penalty for an offense committed against a transit provider

or operator when violence or a threat of violence is not involved; amending Minnesota Statutes 1984, section 609.855, subdivisions 3 and 4.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 863 which was temporarily laid over earlier today was again reported to the House.

Seaberg moved to amend S. F. No. 863, as follows:

Page 1, line 22, after "value," insert "on credit,"

Page 2, lines 12 and 13, delete the new language

Page 11, line 1, delete "two" and insert "one"

Page 11, line 2, delete "two" and insert "one"

Page 11, line 19, delete the new language and insert *"influencing the issuer to issue a financial transaction card; or"*

Page 11, delete lines 25 to 36 and insert:

*"(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."*

Page 12, delete lines 1 and 2

Vanasek moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

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

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

There were 63 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Peterson	Solberg
Battaglia	Jaros	Munger	Piper	Sparby
Beard	Jennings, L.	Murphy	Price	Staten
Begich	Kahn	Nelson, D.	Quinn	Tomlinson
Brandl	Kalis	Nelson, K.	Rest	Tunheim
Brinkman	Kelly	Neuenschwander	Rice	Vanasek
Brown	Knuth	Norton	Riveness	Vellenga
Carlson, L.	Kostohryz	O'Connor	Sarna	Voss
Clark	Lieder	Ogren	Scheid	Welle
Cohen	Long	Olson, E.	Schoenfeld	Wenzel
Elioff	McEachern	Osthoff	Segal	Wynia
Ellingson	McLaughlin	Otis	Simoneau	
Greenfield	Metzen	Pappas	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Haukoos	Pauly	Stanius
Becklin	Fjoslien	Johnson	Poppenhagen	Sviggum
Bennett	Forsythe	Kiffmeyer	Quist	Thorson
Blatz	Frederick	Knickerbocker	Redalen	Tjornhom
Boerboom	Frederickson	Levi	Rees	Tompkins
Burger	Frerichs	Marsh	Richter	Uphus
Carlson, D.	Gruenes	McDonald	Rose	Valan
Carlson, J.	Gutknecht	McPherson	Schafer	Valento
Clausnitzer	Halberg	Omann	Seaberg	Waltman
Dempsey	Hartinger	Onnen	Shaver	Zaffke
Dimler	Hartle	Ozment	Sherman	Spk. Jennings, D.

The motion did not prevail.

The question recurred on the adoption of the Seaberg amendment to S. F. No. 863. The motion prevailed and the amendment was adopted.

S. F. No. 863, 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.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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.

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

There were 100 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Hartinger	Long	Omann
Anderson, R.	Clausnitzer	Hartle	Marsh	Onnen
Beard	Cohen	Jacobs	McDonald	Otis
Becklin	Dimler	Jennings, L.	McLaughlin	Ozment
Begich	Dyke	Johnson	McPherson	Pappas
Bennett	Elioff	Kahn	Minne	Pauly
Blatz	Ellingson	Kalis	Murphy	Poppenhagen
Boerboom	Fjoslien	Kelly	Nelson, D.	Price
Brinkman	Forsythe	Kiffmeyer	Nelson, K.	Quinn
Brown	Frederick	Knickerbocker	Neuenschwander	Quist
Burger	Frederickson	Knuth	Norton	Redalen
Carlson, D.	Frerichs	Kostchryz	O'Connor	Rees
Carlson, J.	Gruenes	Levi	Ogren	Rest
Carlson, L.	Gutknecht	Lieder	Olson, E.	Rice

Richter	Segal	Sparby	Tomlinson	Waltman
Riveness	Shaver	Stanis	Tompkins	Welle
Sarna	Sherman	Staten	Tunheim	Wenzel
Schafer	Simoneau	Sviggum	Uphus	Wynia
Schoenfeld	Skoglund	Thorson	Valento	Zaffke
Seaberg	Solberg	Tjornhom	Voss	Spk. Jennings, D.

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

S. F. No. 1357 which was temporarily laid over earlier today was again reported to the House.

Halberg moved to amend S. F. No. 1357, as follows:

Page 1, line 14, after "*exceed*" delete "\$500" and insert "\$50"

The motion prevailed and the amendment was adopted.

S. F. No. 1357, A bill for an act relating to contempt of court; providing penalties for failure to file a complete income tax return pursuant to court order; proposing coding for new law in Minnesota Statutes, chapter 588.

The bill was read for the 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.

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

There were 71 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Kiffmeyer	Quist	Thorson
Anderson, R.	Fjoslien	Knickerbocker	Redalen	Tjornhom
Backlund	Forsythe	Levi	Rees	Tomlinson
Becklin	Frederick	Marsh	Richter	Tompkins
Bennett	Frederickson	McDonald	Riveness	Uphus
Blatz	Frerichs	McPherson	Rose	Valan
Boerboom	Gruenes	Nelson, D.	Schafer	Valento
Boo	Gutknecht	Norton	Schoenfeld	Waltman
Burger	Halberg	Olsen, S.	Seaberg	Welle
Carlson, D.	Hartinger	Omann	Shaver	Zaffke
Carlson, J.	Hartle	Onnen	Sherman	Spk. Jennings, D.
Clausnitzer	Haukoos	Ozment	Simoneau	
Dempsey	Heap	Pauly	Stanis	
DenOuden	Johnson	Piepho	Sviggum	
Dimler	Kelly	Poppenhagen	Thiede	

Those who voted in the negative were:

Brandl

Cohen

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

Vanasek moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

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

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

There were 60 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Pappas	Simoneau
Battaglia	Jaros	Munger	Peterson	Skoglund
Beard	Jennings, L.	Murphy	Piper	Solberg
Begich	Kahn	Nelson, D.	Price	Staten
Brandl	Kalis	Nelson, K.	Quinn	Tomlinson
Brinkman	Kelly	Neuenschwander	Rest	Tunheim
Brown	Knuth	Norton	Rice	Vanasek
Carlson, L.	Kostohryz	O'Connor	Riveness	Vellenga
Clark	Krueger	Ogren	Rodosovich	Voss
Cohen	Lieder	Olson, E.	Sarna	Welle
Elioff	Long	Osthoff	Scheid	Wenzel
Ellingson	McLaughlin	Otis	Segal	Wynia

Those who voted in the negative were:

Anderson, R.	Dyke	Johnson	Ozment	Stanis
Backlund	Fjoslien	Kiffmeyer	Pauly	Sviggun
Becklin	Forsythe	Knickerbocker	Piepho	Thorson
Bennett	Frederick	Kvam	Poppenhagen	Tjornhom
Blatz	Frederickson	Levi	Quist	Tompkins
Boerboom	Frerichs	McDonald	Redalen	Valan
Boo	Gruenes	McEachern	Rees	Valento
Burger	Gutknecht	McKasy	Richter	Waltman
Carlson, D.	Halberg	McPherson	Rose	Zaffke
Carlson, J.	Hartinger	Metzen	Schafer	Spk. Jennings, D.
Clausnitzer	Haukoos	Miller	Schreiber	
Dempsey	Heap	Olsen, S.	Scaberg	
DenOuden	Himle	Omman	Shaver	
Dimler	Jacobs	Onnen	Sherman	

The motion did not prevail.

S. F. No. 721 was reported to the House.

There being no objection S. F. No. 721 was temporarily laid over on Special Orders.

S. F. No. 597 was reported to the House.

There being no objection S. F. No. 597 was temporarily laid over on Special Orders.

McEachern moved that the call of the House be dispensed with.

A roll call was requested and properly seconded.

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

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

There were 55 yeas and 59 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Elioff	Lieder	Ogren	Scheid
Battaglia	Ellingson	Long	Olson, E.	Segal
Beard	Greenfield	McEachern	Pappas	Skoglund
Begich	Jaros	Metzen	Peterson	Solberg
Boo	Jennings, L.	Minne	Piepho	Staten
Brandl	Kahn	Munger	Price	Tomlinson
Brinkman	Kalis	Murphy	Quinn	Tunheim
Brown	Kelly	Nelson, D.	Rice	Vanasek
Carlson, L.	Knuth	Nelson, K.	Riveness	Vellenga
Clark	Kostohryz	Norton	Rodosovich	Voss
Cohen	Krueger	O'Connor	Sarna	Wynia

Those who voted in the negative were :

Anderson, R.	Fjoslien	Johnson	Pauly	Stanius
Backlund	Forsythe	Knickerbocker	Poppenhagen	Thiede
Bennett	Frederick	Kvam	Quist	Tjornhom
Blatz	Frederickson	Levi	Redalen	Tompkins
Burger	Frerichs	McDonald	Rees	Uphus
Carlson, D.	Gruenes	McKasy	Richter	Valan
Carlson, J.	Gutknecht	McPherson	Rose	Valento
Dempsey	Halberg	Miller	Schafer	Waltman
DenOuden	Hartinger	Olsen, S.	Schreiber	Welle
Dimler	Hartle	Omamn	Seaberg	Zaffke
Dyke	Haukoos	Onnen	Shaver	Spk. Jennings, D.
Erickson	Jacobs	Ozment	Sherman	

The motion did not prevail.

S. F. No. 1220 was reported to the House.

There being no objection S. F. No. 1220 was temporarily laid over on Special Orders.

S. F. No. 1447 was reported to the House.

There being no objection S. F. No. 1447 was temporarily laid over on Special Orders.

S. F. No. 616, A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

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

The question was taken on the final passage of the bill and the roll was called.

Levi moved that those not voting be excused from voting.

A roll call was requested and properly seconded.

The question was taken on the Levi motion to excuse members from voting and the roll was called. There were 60 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dyke	Haukoos	Ozment	Stanius
Backlund	Erickson	Heap	Piepho	Sviggum
Becklin	Fjoslien	Johnson	Poppenhagen	Thiede
Bennett	Forsythe	Kiffmeyer	Quist	Thorson
Blatz	Frederick	Knickerbocker	Redalen	Tjornhom
Boerboom	Frederickson	Levi	Rees	Tompkins
Burger	Frerichs	McDonald	Richter	Uphus
Carlson, D.	Gruenes	McPherson	Rose	Valan
Carlson, J.	Gutknecht	Miller	Schafer	Valento
Clausnitzer	Halberg	Olsen, S.	Seaberg	Waltman
DenOuden	Hartinger	Omann	Shaver	Zaffke
Dimler	Hartle	Onnen	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Jennings, L.	Munger	Piper	Skoglund
Beard	Kahn	Murphy	Price	Solberg
Begich	Kalis	Nelson, K.	Quinn	Sparby
Brandl	Kelly	Neuenschwander	Rest	Tomlinson
Brinkman	Knuth	Norton	Rice	Tunheim
Brown	Kostohryz	O'Connor	Riveness	Vanasek
Carlson, L.	Lieder	Ogren	Rodosovich	Vellenga
Clark	Long	Olsen, E.	Sarna	Voss
Elioff	McEachern	Osthoff	Scheid	Wenzel
Ellingson	McLaughlin	Otis	Schoenfeld	Wynia
Greenfield	Metzen	Pappas	Segal	
Jacobs	Minne	Peterson	Simoneau	

The motion to excuse members from voting prevailed.

The roll was called on the final passage of S. F. No. 616.

There were 62 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Solberg
Beard	Jennings, L.	Munger	Price	Sparby
Begich	Kahn	Murphy	Quinn	Staten
Brandl	Kalis	Nelson, D.	Rest	Tomlinson
Brinkman	Kelly	Neuenschwander	Rice	Tunheim
Brown	Knuth	Norton	Riveness	Vellenga
Carlson, L.	Kostohryz	O'Connor	Rodosovich	Voss
Clark	Krueger	Ogren	Sarna	Welle
Cohen	Lieder	Olson, E.	Scheid	Wenzel
Elioff	Long	Osthoff	Schoenfeld	Wynia
Ellingson	McEachern	Otis	Segal	
Greenfield	McLaughlin	Pappas	Simoneau	
Jacobs	Metzen	Peterson	Skoglund	

Those who voted in the negative were:

Vanasek

The bill was not passed.

Carlson, D., was excused for the remainder of today's session.

S. F. No. 721 which was temporarily laid over earlier today was again reported to the House.

Valento moved to amend S. F. No. 721, as follows:

Page 1, line 18, delete "*This act*" and insert "*Section 1*"

Page 1, after line 20, insert:

"Section 3. [458.095] [CITIES; POWERS OF PORT AUTHORITIES.]

*The governing body of a home rule charter or statutory city, wherever located, may exercise the powers of port authorities and cities contained in sections 458.09 to 458.1991, except the powers of seaway port authorities. The governing body of a city is deemed a port authority for purposes of sections 273.71 to 273.78.*

Sec. 2. Minnesota Statutes 1984, section 458.18, subdivision 2, is amended to read:

Subd. 2. [AUDITS.] Notwithstanding the provisions of any law to the contrary, any seaway port authority may employ a certified public accountant to annually audit and examine the books of the authority. The report of the examination or audit by the certified public accountant shall be submitted to the state auditor who shall review the audit report and may accept the

audit or make additional examinations as he deems to be in the public interest.

*The state auditor shall annually audit the books of a home rule charter or statutory city relating to port authority activities where the governing body of the city is exercising the powers of a port authority under section 1 of this act.*

#### Sec. 4. [SUNSET PROVISION.]

*No additional statutory or home rule charter city or other municipality shall begin exercising the powers, duties, or responsibilities of a port authority granted under Minnesota Statutes, chapter 458, or other pertinent law, after June 30, 1986."*

Delete the title and insert:

"A bill for an act relating to local government; authorizing cities, however organized, to exercise the powers of port authorities; sunsetting port authority powers of municipalities after June 30, 1986; amending Minnesota Statutes 1984, sections 458.18, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 458."

The motion did not prevail and the amendment was not adopted.

S. F. No. 721, A bill for an act relating to the city of Plymouth; permitting the establishment of a port authority; amending Laws 1984, chapter 397, section 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.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boerboom	Cohen	Frederick	Haukoos
Anderson, R.	Brandl	Dempsey	Frederickson	Heap
Backlund	Brinkman	Dimler	Frerichs	Jacobs
Battaglia	Brown	Dyke	Greenfield	Jaros
Beard	Burger	Elioff	Gruenes	Johnson
Becklin	Carlson, J.	Erickson	Gutknecht	Kahn
Begich	Carlson, L.	Fjoslien	Hartinger	Kalis
Bennett	Clausnitzer	Forsythe	Hartle	Kelly

Kiffmeyer	Minne	Pauly	Schafer	Tjornhom
Knickerbocker	Munger	Peterson	Scheid	Tomlinson
Knuth	Murphy	Piepho	Schoenfeld	Tompkins
Kostohryz	Nelson, D.	Piper	Segal	Tunheim
Krueger	Nelson, K.	Poppenhagen	Shaver	Uphus
Levi	Norton	Price	Sherman	Valan
Lieder	O'Connor	Redalen	Simoneau	Valento
Long	Ogren	Rees	Skoglund	Vanasek
Marsh	Olsen, S.	Rest	Solberg	Voss
McDonald	Olson, E.	Rice	Sparby	Waltman
McEachern	Omann	Richter	Stanisus	Welle
McLaughlin	Onnen	Riveness	Staten	Wenzel
McPherson	Osthoff	Rodosovich	Sviggum	Wynia
Metzen	Otis	Rose	Thiede	Spk. Jennings, D.
Miller	Ozment	Sarna	Thorson	

The bill was passed and its title agreed to.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1176:

Blatz, Vellenga and Kiffmeyer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 295:

Zaffke, Brinkman and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 33:

Hartinger, Kelly and Blatz.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 968:

Thorson, Haukoos and Boerboom.

#### MOTION FOR RECONSIDERATION

Vanasek moved that the vote whereby S. F. No. 616 was not passed earlier today be now reconsidered. The motion prevailed.

S. F. No. 616 was reported to the House.

S. F. No. 616, A bill for an act relating to the city of Warroad; permitting the establishment of a port authority.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 109 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

### 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, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1045, A bill for an act relating to taxation; making administrative and technical changes to income tax and property

tax refund provisions; amending Minnesota Statutes 1984, sections 80A.09, subdivision 1; 136D.28, subdivision 4; 136D.741, subdivision 7; 136D.89, subdivision 4; 270.67, by adding a subdivision; 270.75, subdivision 4; 290.06, subdivision 3d; 290.069, subdivision 5; 290.08, subdivision 8; 290.09, subdivision 4; 290.095, subdivisions 3 and 10; 290.101, subdivision 1; 290.172; 290.18, subdivision 2; 290.42; 290.50, subdivision 2; 290.523, subdivision 2; 290.92, subdivisions 5a, 6, 19, and 28; 290.97; 290.9726, subdivision 2; 290A.03, subdivisions 3 and 11; 290A.11, subdivision 2, and by adding a subdivision; 290A.19; repealing Laws 1983, chapters 213, section 2; and 247, section 122; and Laws 1984, chapter 514, article 2, section 13.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 1045 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1045, A bill for an act relating to taxation; making administrative and technical changes to income tax and property tax refund provisions; amending Minnesota Statutes 1984, sections 60A.13, subdivision 1a; 80A.09, subdivision 1; 136D.28, subdivision 4; 136D.741, subdivision 7; 136D.89, subdivision 4; 270.67, by adding a subdivision; 270.75, subdivision 4; 290.06, subdivision 3d; 290.069, subdivision 5; 290.08, subdivision 8; 290.09, subdivision 4; 290.095, subdivision 10; 290.101, subdivision 1; 290.172; 290.18, subdivision 2; 290.42; 290.50, subdivision 2; 290.523, subdivision 2; 290.92, subdivisions 5a, 6, 19, and 28; 290.97; 290.9726, subdivision 2; 290A.03, subdivisions 3 and 11; 290A.11, subdivision 2, and by adding a subdivision; 290A.19; repealing Laws 1983, chapters 213, section 2; and 247, section 122; and Laws 1984, chapter 514, article 2, section 13.

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

The question was taken on the repassage of the bill and the roll was called.

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

There were 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Beard	Bennett	Brandl	Burger
Anderson, R.	Becklin	Blatz	Brinkman	Carlson, D.
Battaglia	Begich	Boerboom	Brown	Carlson, J.

Carlson, L.	Jaros	Minne	Quist	Sviggum
Clark	Johnson	Munger	Redalen	Thorson
Clausnitzer	Kahn	Murphy	Rees	Tjornhom
Cohen	Kalis	Nelson, D.	Rest	Tomlinson
Dempsey	Kelly	Nelson, K.	Richter	Tompkins
Dyke	Kiffmeyer	Neuenschwander	Riveness	Tunheim
Elioff	Knickerbocker	Norton	Rodosovich	Uphus
Ellingson	Knuth	O'Connor	Rose	Valan
Fjoslien	Kostohryz	Ogren	Sarna	Valento
Forsythe	Krueger	Olson, E.	Schafer	Vanasek
Frederick	Levi	Omamn	Schoenfeld	Voss
Frederickson	Lieder	Onnen	Segal	Waltman
Greenfield	Long	Otis	Shaver	Welle
Gruenes	Marsh	Ozment	Sherman	Wenzel
Gutknecht	McDonald	Pappas	Simoneau	Wynia
Hartinger	McEachern	Pauly	Skoglund	Spk. Jennings, D.
Hartle	McKasy	Peterson	Solberg	
Haukoos	McLaughlin	Piper	Sparby	
Heap	McPherson	Price	Stanius	
Jacobs	Metzen	Quinn	Staten	

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

Mr. Speaker:

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

H. F. No. 513, A bill for an act relating to state government; regulating the career executive service; specifying executive branch conflicts of interest; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; and 299D.03, subdivision 11.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sviggum moved that the House refuse to concur in the Senate amendments to H. F. No. 513, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 264, A bill for an act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain dogs to be unconfined or improperly confined; providing for the destruction of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.25; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

PATRICK E. FLAHAVEN, Secretary of the Senate

Heap moved that the House refuse to concur in the Senate amendments to H. F. No. 264, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Shaver moved that the House refuse to concur in the Senate amendments to H. F. No. 850, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

### SPECIAL ORDERS

S. F. No. 597 which was temporarily laid over earlier today was again reported to the House.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 106 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Long	Ozment	Solberg
Anderson, R.	Frederick	Marsh	Pappas	Sparby
Beard	Frederickson	McDonald	Pauly	Stanias
Becklin	Greenfield	McEachern	Peterson	Sviggum
Bennett	Gruenes	McKasy	Piper	Thorson
Blatz	Gutknecht	McLaughlin	Price	Tjornhom
Boerboom	Hartinger	McPherson	Quinn	Tompkins
Boo	Hartle	Metzen	Quist	Tunheim
Brandl	Haukoos	Minne	Redalen	Uphus
Brinkman	Heap	Munger	Rest	Valan
Brown	Jacobs	Murphy	Richter	Valento
Burger	Jaros	Nelson, D.	Riveness	Vanasek
Carlson, D.	Johnson	Nelson, K.	Rodosovich	Voss
Carlson, J.	Kahn	Neuenschwander	Sarna	Waltman
Carlson, L.	Kalis	Norton	Schafer	Welle
Clark	Kiffmeyer	O'Connor	Scheid	Wenzel
Clausnitzer	Knickerbocker	Ogren	Schoenfeld	Wynia
Cohen	Knuth	Olson, E.	Segal	Spk. Jennings, D.
Dempsey	Kostohryz	Omann	Shaver	
Dyke	Krueger	Onnen	Sherman	
Elioff	Levi	Osthoff	Simoneau	
Ellingson	Lieder	Otis	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 1220 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1220, A bill for an act relating to the city of Wadena; permitting the establishment of a port authority.

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.

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

There were 106 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Fjoslien	Long	Pappas	Stanisus
Anderson, R.	Frederick	Marsh	Pauly	Staten
Beard	Frederickson	McDonald	Peterson	Sviggum
Becklin	Gruenes	McEachern	Piper	Thorson
Bennett	Gutknecht	McKasy	Price	Tjornhom
Blatz	Hartinger	McLaughlin	Quinn	Tomlinson
Boerboom	Hartle	McPherson	Quist	Tompkins
Boo	Haukoos	Metzen	Rees	Tunheim
Brandl	Heap	Minne	Rest	Uphus
Brinkman	Jacobs	Munger	Richter	Valan
Brown	Jaros	Murphy	Riveness	Valento
Burger	Johnson	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Kahn	Nelson, K.	Sarna	Voss
Carlson, J.	Kalis	Norton	Schafer	Waltman
Carlson, L.	Kelly	O'Connor	Scheid	Welle
Clark	Kiffmeyer	Ogren	Schoenfeld	Wenzel
Clausnitzer	Knickerbocker	Olson, E.	Segal	Wynia
Cohen	Knuth	Omann	Shaver	Spk. Jennings, D.
Dempsey	Kostohryz	Onnen	Sherman	
Dyke	Krueger	Osthoff	Simoneau	
Elioff	Levi	Otis	Skoglund	
Ellingson	Lieder	Ozment	Solberg	

The bill was passed and its title agreed to.

S. F. No. 1447 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1447, A bill for an act relating to the city of Breckenridge; 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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

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

There were 112 yeas and 0 nays as follows :

Those who voted in the affirmative were :

Anderson, G.	Beard	Bennett	Boo	Brown
Anderson, R.	Becklin	Blatz	Brandl	Burger
Battaglia	Begich	Boerboom	Brinkman	Carlson, D.

Carlson, J.	Heap	McPherson	Piper	Staten
Carlson, L.	Himle	Metzen	Price	Sviggum
Clark	Jaros	Minne	Quinn	Thorson
Clausnitzer	Johnson	Munger	Quist	Tjornhom
Cohen	Kahn	Murphy	Rees	Tomlinson
Dempsey	Kalis	Nelson, D.	Rest	Tompkins
Dimler	Kelly	Nelson, K.	Richter	Tunheim
Dyke	Kiffmeyer	Neuenschwander	Riveness	Uphus
Elioff	Knickerbocker	Norton	Rodosovich	Valan
Ellingson	Knuth	O'Connor	Sarna	Valento
Fjoslien	Kostohryz	Ogren	Schafer	Vanasek
Frederick	Krueger	Olson, E.	Scheid	Voss
Frederickson	Levi	Omann	Schoenfeld	Waltman
Frerichs	Lieder	Onnen	Segal	Welle
Gruenes	Long	Osthoff	Shaver	Wenzel
Gutkaecht	Marsh	Otis	Sherman	Wynia
Halberg	McDonald	Ozment	Simoneau	Spk. Jennings, D.
Hartinger	McEachern	Pappas	Skoglund	
Hartle	McKasy	Pauly	Solberg	
Haukoos	McLaughlin	Peterson	Stanisus	

The bill was passed and its title agreed to.

S. F. No. 35 was reported to the House.

Bennett moved to amend S. F. No. 35, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 626.52, is amended to read:

**626.52 [(PHYSICIANS AND OTHER AIDS TO HEALING TO REPORT INJURIES FROM FIREARMS) REPORTING OF SUSPICIOUS WOUNDS BY HEALTH PROFESSIONALS.]**

*Subdivision 1. [DEFINITION.] As used in subdivision 2, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.*

*Subd. 2. [HEALTH PROFESSIONALS REQUIRED TO REPORT.] (EVERY PHYSICIAN, EVERY SURGEON, EVERY PERSON AUTHORIZED TO ENGAGE IN THE PRACTICE OF HEALING, EVERY SUPERINTENDENT OR MANAGER OF A HOSPITAL, EVERY NURSE AND EVERY PHARMACIST, WHETHER SUCH PHYSICIANS, SURGEONS, PERSONS ENGAGED IN THE PRACTICE OF HEALING, SUPERINTENDENT OR MANAGER OF ANY HOSPITAL, NURSE AND PHARMACIST BE LICENSED OR NOT,) A health professional shall immediately report, as provided under section 626.53, to the (PROPER) local police (AUTHORITIES, AS HEREIN DEFINED,) department or county sheriff all bullet wounds, gunshot wounds, powder burns, or any other injury aris-*

ing from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.

*A health professional shall report to the proper police authorities any wound on a perpetrator of a crime that the reporter has reasonable cause to believe has been inflicted by a dangerous weapon other than a firearm as defined under section 609.02, subdivision 6.*

Sec. 2. Minnesota Statutes 1984, section 626.55, is amended to read:

**626.55 [(PENALTY) IMMUNITY.]**

*Any person (WHO VIOLATES ANY PROVISION OF SECTIONS 626.52 TO 626.55 IS GUILTY OF A GROSS MISDEMEANOR) reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to section 1. No cause of action may be brought against any person for not making a report pursuant to section 1."*

Amend the title as follows:

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

Page 1, line 5, before the period, insert " ; and 626.55"

The motion prevailed and the amendment was adopted.

S. F. No. 35, A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law enforcement authorities; amending Minnesota Statutes 1984, section 626.52.

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.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.  
Anderson, R.  
Beard

Becklin  
Begich  
Bennett

Blatz  
Boerboom  
Boo

Brandl  
Brinkman  
Brown

Burger  
Carlson, D.  
Carlson, J.

Carlson, L.	Himle	Minne	Quinn	Sparby
Clark	Jacobs	Munger	Quist	Stanius
Clausnitzer	Jaros	Murphy	Rees	Staten
Cohen	Kahn	Nelson, D.	Rest	Sviggun
Dempsey	Kalis	Nelson, K.	Rice	Thorson
Dimler	Kelly	Neuenschwander	Richter	Tjornhom
Dyke	Kiffmeyer	Norton	Riveness	Tomlinson
Elioff	Knickerbocker	O'Connor	Rodosovich	Tompkins
Ellingson	Knuth	Ogren	Rose	Tunheim
Fjoslien	Kostohryz	Olson, E.	Sarna	Uphus
Forsythe	Krueger	Omann	Schafer	Valan
Frederick	Levi	Onnen	Scheid	Valento
Frederickson	Lieder	Osthoff	Schoenfeld	Vanasek
Greenfield	Long	Otis	Schreiber	Voss
Gruenes	Marsh	Ozment	Segal	Waltman
Halberg	McDonald	Pappas	Shaver	Welle
Hartinger	McEachern	Pauly	Sherman	Wenzel
Hartle	McKasy	Peterson	Simoneau	Wynia
Haukoos	McPherson	Piper	Skoglund	Spk. Jennings, D.
Heap	Metzen	Price	Solberg	

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

S. F. No. 243, A bill for an act relating to health; providing for physical therapy evaluation and referral; prohibiting certain practices by physical therapists; amending Minnesota Statutes 1984, sections 148.65, subdivision 1; 148.75; and 148.76.

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.

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

There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Kahn	Munger	Price
Anderson, R.	DenOuden	Kalis	Murphy	Quinn
Battaglia	Dimler	Kelly	Nelson, D.	Quist
Beard	Dyke	Kiffmeyer	Nelson, K.	Rees
Becklin	Elioff	Knickerbocker	Neuenschwander	Rest
Begich	Ellingson	Knuth	Norton	Rice
Bennett	Fjoslien	Kostohryz	O'Connor	Richter
Blatz	Forsythe	Krueger	Ogren	Riveness
Boerboom	Frederickson	Kvam	Olson, E.	Rodosovich
Brandl	Frerichs	Levi	Omann	Rose
Brinkman	Gruenes	Lieder	Onnen	Sarna
Brown	Halberg	Long	Osthoff	Schafer
Burger	Hartinger	Marsh	Otis	Scheid
Carlson, D.	Hartle	McDonald	Ozment	Schoenfeld
Carlson, J.	Haukoos	McEachern	Pappas	Schreiber
Carlson, L.	Heap	McLaughlin	Pauly	Segal
Clark	Himle	McPherson	Peterson	Shaver
Clausnitzer	Jacobs	Metzen	Piepho	Sherman
Cohen	Jaros	Minne	Piper	Simoneau

Skoglund	Sviggum	Tunheim	Vellenga	Wynia
Solberg	Thorson	Uphus	Voss	Zaffke
Sparby	Tjornhom	Valan	Waltman	Spk. Jennings, D.
Stanius	Tomlinson	Valento	Welle	
Staten	Tompkins	Vanasek	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 1279 was reported to the House.

Zaffke moved to amend S. F. No. 1279, as follows:

Page 4, line 25, after the period insert: "*After February 1, 1986,*"

The motion prevailed and the amendment was adopted.

S. F. No. 1279, A bill for an act relating to housing; providing for a product standard for formaldehyde in building materials used in the construction of housing units; amending Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivisions 1, 1a, and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, section 325F.18, subdivision 5.

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.

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

There were 116 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Haukoos	McKasy	Pauly
Battaglia	Cohen	Heap	McLaughlin	Peterson
Beard	Dempsey	Himle	McPherson	Piper
Becklin	DenOuden	Jacobs	Metzen	Poppenhagen
Begich	Dimler	Jaros	Miller	Price
Bennett	Dyke	Johnson	Minne	Quinn
Bishop	Elioff	Kahn	Munger	Rest
Blatz	Ellingson	Kalis	Murphy	Rice
Boerboom	Fjoslien	Kelly	Nelson, K.	Richter
Boo	Forsythe	Knickerbocker	Neuenschwander	Riveness
Brandl	Frederick	Knuth	Norton	Rodosovich
Brinkman	Frederickson	Krueger	Olson, E.	Rose
Brown	Frerichs	Kvam	Omann	Sarna
Burger	Greenfield	Levi	Onnen	Schafer
Carlson, D.	Gruenes	Lieder	Osthoff	Scheid
Carlson, J.	Halberg	Long	Otis	Schoenfeld
Carlson, L.	Hartinger	Marsh	Ozment	Schreiber
Clark	Hartle	McEachern	Pappas	Segal

Shaver	Stanis	Tomlinson	Valento	Welle
Sherman	Staten	Tompkins	Vanasek	Wenzel
Simoneau	Sviggum	Tunheim	Vellenga	Wynia
Skoglund	Thorson	Uphus	Voss	Zaffke
Solberg	Tjornhom	Valan	Waltman	Spk. Jennings, D.
Sparby				

Those who voted in the negative were:

Nelson, D.	O'Connor	Ogren
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The bill was passed, as amended, and its title agreed to.

S. F. No. 825, A bill for an act relating to the city of Crystal; regulating the holding of public offices by council members; providing for the adoption of emergency ordinances.

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.

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

There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 957, A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil conservation; imposing a penalty; amending Minnesota Statutes 1984, sections 40.19, subdivisions 1, 2, 5, 6, 7, 8, 9, 11, 13, and by adding subdivisions; 40.20; 40.21; 40.22, subdivisions 1 and 2; 40.23; 40.25; 40.26; 40.28; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.19, subdivisions 3, 4, 10, 12, 14, and 15.

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.

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

There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1064, A bill for an act relating to public employment; providing that applicants for public employment in the fire services must be fingerprinted; amending Minnesota Statutes 1984, section 364.09.

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

The question was taken on the passage of the bill and the roll was called.

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

There were 106 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Krueger	Ozment	Simoneau
Battaglia	Ellingson	Kvam	Pappas	Skoglund
Beard	Fjoslien	Levi	Pauly	Solberg
Becklin	Forsythe	Lieder	Peterson	Sparby
Begich	Frederick	Leng	Piepho	Stanius
Bennett	Frederickson	Marsh	Poppenhagen	Svigum
Bishop	Frerichs	McDonald	Price	Thorson
Blatz	Gruenes	McPherson	Quist	Tjornhom
Boerboom	Halberg	Metzen	Redalen	Tomlinson
Boo	Hartinger	Minne	Rees	Tompkins
Brinkman	Hartle	Munger	Rest	Tunheim
Brown	Haukoos	Murphy	Richter	Uphus
Burger	Heap	Nelson, K.	Rodosovich	Valento
Carlson, D.	Himle	Neuenschwander	Rose	Voss
Carlson, J.	Jacobs	Norton	Sarna	Waltman
Carlson, L.	Jaros	O'Connor	Schafer	Welle
Clark	Jennings, L.	Ogren	Scheid	Wenzel
Clausnitzer	Johnson	Olson, E.	Schoenfeld	Wynia
Cohen	Kalis	Omann	Schreiber	
DenOuden	Kelly	Onnen	Segal	
Dimler	Kiffmeyer	Osthoff	Shaver	
Dyke	Knuth	Otis	Sherman	

Those who voted in the negative were:

Greenfield	McEachern	Rice	Vanasek	Spk. Jennings, D.
Kahn	McLaughlin	Staten		

The bill was passed and its title agreed to.

S. F. No. 1506, A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district; authorizing the city of Albert Lea to establish a port authority; authorizing the city of Austin to establish a port authority.

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.

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

There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 264:

Heap, Gutknecht and Kelly.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 513:

Sviggum, Knuth and McPherson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 850:

Shaver, Tjornhom and Osthoff.

The Speaker announced the following change of conferee on S. F. No. 862:

Delete Boo and add Dempsey.

## GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

## MOTIONS AND RESOLUTIONS

Ogren moved that his name be stricken as chief author and that the name of Omann be added as chief author on H. F. No. 1086. The motion prevailed.

McLaughlin moved that the names of Clark and Piper be added as authors on H. F. No. 1675. The motion prevailed.

Clark moved that the name of Piper be added as an author on H. F. No. 1678. The motion prevailed.

## ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Friday, May 17, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Friday, May 17, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

