

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 20, 1985

The House of Representatives convened at 10:00 a.m. and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Ogren was excused until 11:15 a.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Gutknecht moved that further reading of the Journals

be dispensed with and that the Journals 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. 628, 687, 849, 1402, 1645, 587 and 765 and S. F. Nos. 903, 1513, 908, 767, 1014 and 1512 have been placed in the members' files.

S. F. No. 903 and H. F. No. 769, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Onnen moved that the rules be so far suspended that S. F. No. 903 be substituted for H. F. No. 769 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 908 and H. F. No. 911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gruenes moved that the rules be so far suspended that S. F. No. 908 be substituted for H. F. No. 911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1014 and H. F. No. 851, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Marsh moved that the rules be so far suspended that S. F. No. 1014 be substituted for H. F. No. 851 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1512 and H. F. No. 1116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that S. F. No. 1512 be substituted for H. F. No. 1116 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 14, 1985

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

Dear Sir:

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

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

H. F. No. 657, relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

H. F. No. 603, relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; defining low alcohol malt liquor and prescribing labeling; amending Minnesota Statutes 1984, sections 340.02, subdivisions 2 and 3; and 340.07, by adding a subdivision.

H. F. No. 1150, relating to state lands; providing for the sale of certain tax-forfeited land in Chisago county.

H. F. No. 649, relating to St. Louis county; fixing the maximum amount of the county emergency fund; amending Minnesota Statutes 1984, section 383C.016.

H. F. No. 1113, relating to state lands; authorizing conveyance by commissioner of transportation of certain state lands for historical preservation purposes.

Sincerely,
RUDY PERPICH
Governor

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

May 14, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

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

| <i>S.F. No.</i> | <i>H.F. No.</i> | <i>Session Laws Chapter No.</i> | <i>Date Approved 1985</i> | <i>Date Filed 1985</i> |
|---------------------|---------------------|-------------------------------------|-------------------------------|----------------------------|
| 1308 | | 115 | May 14 | May 14 |
| | 399 | 116 | May 14 | May 14 |
| | 603 | 117 | May 14 | May 14 |
| | 649 | 118 | May 14 | May 14 |
| | 657 | 119 | May 14 | May 14 |
| 1113 | | 120 | May 14 | May 14 |
| 1150 | | 121 | May 14 | May 14 |

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 1985

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

Dear Sir:

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

H. F. No. 683, relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, section 525.922, subdivision 1; and 525.924, by adding a subdivision.

H. F. No. 1152, relating to Winona county; authorizing the sale of certain property.

H. F. No. 1382, relating to courts; providing for transcript fees; amending Minnesota Statutes 1984, section 486.06.

Sincerely,

RUDY PERPICH
Governor

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

May 15, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

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| <i>S.F. No.</i> | <i>H.F. No.</i> | <i>Session Laws Chapter No.</i> | <i>Date Approved 1985</i> | <i>Date Filed 1985</i> |
|---------------------|---------------------|-------------------------------------|-------------------------------|----------------------------|
| 563 | | 122 | May 15 | May 15 |
| | 683 | 123 | May 15 | May 15 |
| | 1152 | 124 | May 15 | May 15 |
| | 1382 | 125 | May 15 | May 15 |

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Levi from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 32, A house resolution congratulating Martin J. Lynch upon completion of a long and successful career with Independent School District No. 833.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 903, 908, 1014 and 1512 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Vanasek; Carlson, D.; Redalen; Dempsey and Riveness introduced:

H. F. No. 1687, A bill for an act relating to metropolitan government; permitting the issuance of bonds to make certain improvements to sports facilities; amending Minnesota Statutes 1984, section 473.581, subdivisions 1 and 2, and by adding a subdivision.

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

Solberg, Quinn and Sherman introduced:

H. F. No. 1688, A bill for an act relating to insurance; accident and health; preserving insurability after waiving group health insurance coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Kvam introduced:

H. F. No. 1689, A bill for an act relating to financial institutions; authorizing interstate acquisition and formation of banks between this state and certain states on a reciprocal basis; proposing coding for new law in Minnesota Statutes, chapter 48.

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

Wenzel introduced:

H. F. No. 1690, A bill for an act relating to retirement; directing payment of certain disability benefits withheld from a member of the public employees police and fire fund.

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

Quinn, Rose, Jacobs, Halberg and McKasy introduced:

H. F. No. 1691, A bill for an act relating to metropolitan government; permitting the issuance of bonds to make certain improvements to sports facilities; amending Minnesota Statutes 1984, section 473.581, subdivisions 1 and 2, and by adding a subdivision.

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

Neuenschwander, Zaffke, Solberg, Tunheim and Battaglia introduced:

H. F. No. 1692, A bill for an act relating to tax-forfeited lands; providing for sale of certain improved lots; amending Minnesota Statutes 1984, section 282.01, by adding a subdivision.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Rees introduced:

H. A. No. 58, A proposal to investigate the commercial impacts by municipally owned and operated liquor stores.

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

Dempsey introduced:

H. A. No. 59, A proposal to study municipal overburden.

The advisory was referred to the Committee on Taxes.

Ozment and Knickerbocker introduced:

H. A. No. 60, A proposal to study certain functions and actions of the Pollution Control Agency.

The advisory was referred to the Committee on Governmental Operations.

Kalis; Tunheim; Anderson, G., and Neuenschwander introduced:

H. A. No. 61, A proposal to study use of highway trust fund money.

The advisory was referred to the Committee on Transportation.

Kelly, Segal, Blatz, Schafer and Vellenga introduced:

H. A. No. 62, A proposal to study the costs of DWI control, enforcement and prevention to state and local government.

The advisory was referred to the Committee on Crime and Family Law.

Segal, Brandl, Tomlinson, Knickerbocker and Pauly introduced:

H. A. No. 63, A proposal to study staggered legislative terms.

The advisory was referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 245, A bill for an act relating to crimes; clarifying elements of the crime of depriving another of custodial or parental rights; amending Minnesota Statutes 1984, section 609.26, subdivisions 1 and 2.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 282, A bill for an act relating to education; declaring the purpose of public education in Minnesota; changing the name of and provisions about the Minnesota school for the deaf and the Minnesota braille and sight saving school; requiring annual development of two-year plans for the academies; allowing for certain positions at the academies to be in the unclassified service; amending Minnesota Statutes 1984, sections 128A.01; 128A.02; 128A.03; and 128A.05; proposing coding for new law in Minnesota Statutes, chapter 120.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough" for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and by adding a subdivision.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1109, A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; modifying geographical distribution requirements and preference program limitations; providing for a warranty for certain purchases; amending Minnesota Statutes 1984, sections 16B.06, by adding a subdivision; 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 850, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.095; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4;

204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.-12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03; repealing Minnesota Statutes 1984, section 204B.19, subdivision 3.

The Senate has appointed as such Committee Messrs. Hughes, Luther and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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.

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

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

Valento 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. 650. The motion prevailed.

Mr. Speaker:

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

S. F. No. 401, A bill for an act relating to creditor's remedies; providing for an increase in the amount of farm machines and implements exemption; clarifying the garnishment limitation for the sale of farm products; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action

to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.-495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. DeCramer; Peterson, R. W., and Sieloff.

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

Dempsey 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. 401. 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. 1398.

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. 1398

A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections 118.005, subdivision 1; 118.01; 475.66, subdivision 1; and 475.76, subdivision 1.

May 10, 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. 1398, 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. 1398 be further amended as follows:

Page 2, line 1, strike the second "the"

Page 2, line 2, strike everything after the stricken "bearing"

Page 2, line 3, strike "investments for"

Page 2, line 4, reinstate everything after the stricken period

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

Page 2, line 8, reinstate everything before the stricken "or"

Page 2, line 22, after the stricken "subdivision" insert "*the obligations which are legally authorized investments for*"

Page 2, line 28, after "2." insert "*Except for notes secured by first mortgages of future maturity,*"

Page 2, line 32, after the period insert "*The total amount of collateral consisting of notes secured by first mortgages of future maturity computed at its market value shall be at least 40 percent more than the amount on deposit at the close of the business day, in excess of any insured portion, which would be permitted if a corporate or personal surety bond were furnished.*"

Page 3, line 4, after the comma insert "*except for early withdrawal penalties on time deposits,*"

Page 6, after line 17, insert:

"Sec. 4. Minnesota Statutes 1984, section 475.66, subdivision 3, is amended to read:

Subd. 3. Subject to the provisions of any resolutions or other instruments securing obligations payable from a debt service fund, any balance in the fund may be invested

(a) in (ANY SECURITY WHICH IS A DIRECT OBLIGATION OF OR IS GUARANTEED AS TO PAYMENT OF PRINCIPAL AND INTEREST BY THE UNITED STATES OR ANY AGENCY OR INSTRUMENTALITY OF THE UNITED STATES) *governmental bonds, notes, bills, mortgages, and other securities, which are direct obligations or are guaranteed*

or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress,

(b) in shares of an investment company registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and whose only investments are in securities described in the preceding clause,

(c) in any security which is a general obligation of the state of Minnesota or any of its municipalities,

(d) in bankers acceptances of United States banks eligible for purchase by the Federal Reserve System, or

(e) in commercial paper issued by United States corporations or their Canadian subsidiaries that is of the highest quality and matures in 270 days or less.

The fund may also be used to purchase any obligation, whether general or special, of an issue which is payable from the fund, at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of such an issue prior to maturity in accordance with its terms. The securities representing any such investment may be sold or hypothecated by the municipality at any time, but the money so received remains a part of the fund until used for the purpose for which the fund was created."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete the second "subdivision 1" and insert "subdivisions 1 and 3"

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

Senate Conferees: DARRIL WEGSCHEID, MICHAEL O. FREEMAN and GEN OLSON.

House Conferees: WILLIAM SCHREIBER, GERALD KNICKERBOCKER and GORDON O. VOSS.

Schreiber moved that the report of the Conference Committee on S. F. No. 1398 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1398, A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections

118.005, subdivision 1; 118.01; 475.66, subdivision 1; and 475.76, subdivision 1.

The bill was read for the 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 108 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 615, A bill for an act relating to Lake of the Woods county; authorizing the issuance of bonds for the construction of jetties and related public improvements; and authorizing the levy of special assessments.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Stumpf, Mrs. Lantry and Mr. Langseth.

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

Tunheim 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. 615. The motion prevailed.

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Reichgott, Messrs. Luther and Ramstad.

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

Seaberg 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. 863. 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. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; 115B.06, subdivision 1; and 115B.09; proposing coding for new

law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

Svigum moved that the House refuse to concur in the Senate amendments to H. F. No. 268, 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.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Levi for the Committee on Rules and Legislative Administration, offered the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION NO. 11

A house concurrent resolution relating to adjournment of the Senate and House of Representatives until 1986.

Be It Resolved by the House of Representatives, the Senate concurring:

(1) Upon their adjournments on May 20, 1985, the House of Representatives may set its next day of meeting for February 3, 1986, at 2:00 p.m. and the Senate may set its next day of meeting for February 3, 1986, at 2:00 p.m.

(2) By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

The motion prevailed and House Concurrent Resolution No. 11 was adopted.

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 added to Special Orders pending for today, Monday, May 20, 1985:

S. F. Nos. 916, 281 and 743; H. F. Nos. 849, 1258 and 658; S. F. Nos. 1088 and 930; H. F. No. 1300; S. F. Nos. 903, 274, 1045, 87, 279, 1067, 866, 719 and 19; H. F. No. 1175; S. F. No. 565; H. F. No. 815; S. F. No. 1118; H. F. No. 628; S. F. No. 567; H. F. Nos. 1645, 1568 and 810; S. F. Nos. 1362, 1363, 928, 1140 and 1356.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 633

A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

May 16, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 633, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 633 be further amended as follows:

Page 2, line 2, after "state" insert "*after July 1, 1985,*"

Page 2, line 8, after "6" insert "*or 171.01, subdivision 21*"

Page 2, line 14, delete "1985" and insert "1986"

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

House Conferees: MERLYN O. VALAN, TERRY DEMPSEY and ALLEN QUIST.

Senate Conferees: DEAN E. JOHNSON, LYLE G. MEHRKENS and MARILYN M. LANTRY.

Valan moved that the report of the Conference Committee on H. F. No. 633 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

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 113 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Thiede

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 78

A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

May 16, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 78, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 78 be further amended as follows:

Page 2, line 21, after the comma insert "*in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose,*"

Page 2, line 22, delete ", and a sentence of"

Page 2, delete line 23

Page 2, line 24, delete everything before the period

Pages 2 and 3, delete subdivision 5 and insert:

"Subd. 5. [LOCAL REGULATION.] Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions."

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

House Conferees: RANDOLPH W. STATEN, PETER McLAUGHLIN and KAREN CLARK.

Senate Conferees: LINDA BERGLIN and DEAN E. JOHNSON.

Staten moved that the report of the Conference Committee on H. F. No. 78 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 78, A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|--------------|---------------|----------------|
| Anderson, G. | Carlson, L. | Frederickson | Kahn | McLaughlin |
| Backlund | Clark | Frerichs | Kalis | McPherson |
| Battaglia | Clausnitzer | Greenfield | Kelly | Metzen |
| Beard | Cohen | Gruenes | Kiffmeyer | Miller |
| Becklin | Dempsey | Gutknecht | Knickerbocker | Minne |
| Begich | DenOuden | Halberg | Knuth | Murphy |
| Bennett | Dimler | Hartinger | Kostohryz | Nelson, D. |
| Blatz | Dyke | Hartle | Krueger | Nelson, K. |
| Boerboom | Elioff | Haukoos | Kvam | Neuenschwander |
| Brandl | Ellingson | Heap | Levi | Norton |
| Brinkman | Erickson | Himle | Long | O'Connor |
| Brown | Fjoslien | Jacobs | Marsh | Ogren |
| Burger | Forsythe | Jaros | McDonald | Olsen, S. |
| Carlson, D. | Frederick | Johnson | McEachern | Olson, E. |

| | | | | |
|-------------|------------|------------|-----------|-------------------|
| Omann | Price | Sarna | Solberg | Uphus |
| Onnen | Quinn | Schafer | Sparby | Valan |
| Osthoff | Quist | Scheid | Stanius | Valento |
| Otis | Redalen | Schoenfeld | Staten | Vellenga |
| Ozment | Rees | Schreiber | Svigum | Voss |
| Pappas | Rest | Seaberg | Thiede | Waltman |
| Pauly | Rice | Segal | Thorson | Welle |
| Peterson | Richter | Shaver | Tjornhom | Wenzel |
| Piepho | Riveness | Sherman | Tomlinson | Wynia |
| Piper | Rodosovich | Simoneau | Tompkins | Zaffke |
| Poppenhagen | Rose | Skoglund | Tunheim | Spk. Jennings, D. |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 83

A bill for an act relating to courts; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties; amending Minnesota Statutes 1984, section 260.019, subdivision 3.

May 17, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 83, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 83 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DESIGNATION OF JUVENILE COURT JUDGE.]

Notwithstanding the provisions of Minnesota Statutes, section 260.019, subdivision 3, the chief judge in Hennepin and Ramsey counties may designate any judge to hear cases under sections 260.011 to 260.301 as a principal assignment regardless of how long the judge has served on that assignment.

Sec. 2. [REPEALER.]

Section 1 is repealed effective August 1, 1989.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to courts; authorizing the chief judge in Hennepin and Ramsey counties to extend the principal assignment of certain juvenile court judges."

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

House Conferees: MARY M. FORSYTHE, CHARLES C. HALBERG and RANDY C. KELLY.

Senate Conferees: EMBER D. REICHGOTT and DONALD A. STORM.

Forsythe moved that the report of the Conference Committee on H. F. No. 83 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 83, A bill for an act relating to courts; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties; amending Minnesota Statutes 1984, section 260.019, subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 4 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Cohen | Haukoos | McDonald | Onnen |
| Backlund | Dempsey | Heap | McEachern | Otis |
| Battaglia | DenOuden | Himle | McLaughlin | Ozment |
| Beard | Dimler | Jacobs | McPherson | Pauly |
| Becklin | Dyke | Jaros | Metzen | Peterson |
| Begich | Elioff | Johnson | Miller | Piepho |
| Bennett | Ellingson | Kahn | Minne | Piper |
| Blatz | Erickson | Kalis | Munger | Poppenhagen |
| Boerboom | Fjoslien | Kelly | Murphy | Price |
| Boo | Forsythe | Kiffmeyer | Nelson, D. | Quinn |
| Brandl | Frederick | Knickerbocker | Nelson, K. | Quist |
| Brinkman | Frederickson | Knuth | Neuenschwander | Redalen |
| Brown | Frerichs | Kostohryz | Norton | Rees |
| Burger | Gruenes | Krueger | O'Connor | Rest |
| Carlson, D. | Gutknecht | Kvam | Ogren | Rice |
| Carlson, L. | Halberg | Levi | Olsen, S. | Richter |
| Clark | Hartinger | Long | Olson, E. | Riveness |
| Clausnitzer | Hartle | Marsh | Omann | Rodosovich |

| | | | | |
|------------|----------|-----------|----------|-------------------|
| Rose | Segal | Staten | Tunheim | Welle |
| Sarna | Shaver | Svigum | Uphus | Wenzel |
| Schafer | Sherman | Thiede | Valan | Zaffke |
| Scheid | Skoglund | Thorson | Valento | Spk. Jennings, D. |
| Schoenfeld | Solberg | Tjornhom | Vellenga | |
| Schreiber | Sparby | Tomlinson | Voss | |
| Seaberg | Stanius | Tompkins | Waltman | |

Those who voted in the negative were:

| | | | |
|------------|--------|---------|--------|
| Greenfield | Lieder | Osthoff | Pappas |
|------------|--------|---------|--------|

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 558

A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

May 15, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 558, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 558 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [BLOOMINGTON HIGHWAY IMPROVEMENT.]

Subdivision 1. [CONTRACT AUTHORIZED.] To expedite and facilitate the construction of a highway improvement project on Trunk Highway No. 77 from the intersection of I-494 to the intersection of east 86th street within the city of Bloomington, the city and the commissioner of transportation on behalf of the state may enter into a contract under which the city agrees to advance to the commissioner, in consideration of the

undertaking of the project by the state at a time specified in the contract, all or part of the cost of the engineering services, construction, or other costs attributable to the project. The project shall be fully described in the contract, and the advance by the city shall not exceed the total amount of the actual contract prices for performing the work on the project and may be made in installments during the performance of the project, or otherwise, as specified in the contract. The contract may provide for repayment by the state to the city of the principal amount or value of the advance, without interest, in not more than ten annual installments, out of the trunk highway fund. Repayment may commence at the time the state would otherwise have undertaken the project. The cash agreed to be advanced by the city shall not affect the amount otherwise agreed to be paid by the city as its share of the cost of the project. The contract may include all other terms necessary to comply with laws relating to cooperative agreements between the commissioner of transportation and municipalities.

Subd. 2. [BONDS AUTHORIZED.] *At any time after a contract has been executed by the commissioner and the city of Bloomington by which the city agrees to advance to the commissioner cash for the purpose stated in subdivision 1, the city council may by resolution issue and sell general obligation bonds of the city in an aggregate amount not exceeding the advance to the commissioner provided for in the contract and the cost of issuing the bonds. The bonds shall be issued and sold in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required to authorize their issuance, and the bonds shall not be included in net debt within the meaning of Minnesota Statutes, section 475.51. Money repaid to the city by the commissioner under the contract may be pledged for payment of principal of and interest on the bonds and shall be credited by the city to a separate fund and used solely to pay principal of and interest on any bonds issued pursuant to this section. With the consent of the commissioner of transportation, the city may use money allotted to it out of municipal state-aid street funds to repay interest on the bonds. The money allotted to the city out of the municipal state-aid street funds may be pledged for payment of interest on the bonds.*

Sec. 2. Minnesota Statutes 1984, section 473.556, subdivision 6, is amended to read:

Subd. 6. [DISPOSITION OF PROPERTY.] (a) *The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595.*

(b) *Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking*

facilities) which is no longer needed for sports facilities (SHALL) *may* be sold or leased for *residential*, commercial, or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned.

(c) Any real property right, title, or interest within the provisions of paragraph (b) owned by the commission may be sold or leased in whole or in part to the port authority of the city of Bloomington *to further the general plan of port improvement or industrial development or for any other purpose which the authority considers to be in the best interests of the district and its people. The property shall be sold or leased to the authority in accordance with section 458.196, subdivisions 1 to 4. Section 458.196, subdivisions 5 to 7 shall not apply to a sale under this paragraph.*

(d) Real property disposed of under clause (c) shall be subject to leases, agreements, or other written interests in force on June 1, 1983.

(e) The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service or retirement.

Sec. 3. Minnesota Statutes 1984, section 473.704, is amended by adding a subdivision to read:

Subd. 18. The commission may establish a research program to evaluate the effects of mosquito and blackfly control on other fauna. The purpose of the program is to identify the types and magnitude of the adverse effects of the control program on fish and wildlife and associated food chain invertebrates. The commission may conduct research through contracts with qualified outside researchers. The commission may finance the research program each year at a level up to 2.5 percent of its annual budget.

Sec. 4. [APPLICATION.]

Sections 2 and 3 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 5. [LOCAL APPROVAL.]

Section 1 takes effect the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Bloomington."

Delete the title and insert:

"A bill for an act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision."

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

House Conferees: KATHLEEN BLATZ, DENNIS OZMENT and DEE LONG.

Senate Conferees: MICHAEL O. FREEMAN, ROBERT J. SCHMITZ and WILLIAM V. BELANGER, JR.

Blatz moved that the report of the Conference Committee on H. F. No. 558 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | DenOuden | Jaros | Minne | Piper |
| Backlund | Dimler | Johnson | Munger | Poppenhagen |
| Battaglia | Dyke | Kahn | Murphy | Price |
| Beard | Elioff | Kalis | Nelson, D. | Quist |
| Becklin | Ellingson | Kelly | Nelson, K. | Redalen |
| Begich | Erickson | Kiffmeyer | Neuenschwander | Rees |
| Bennett | Fjoslien | Knickerbocker | Norton | Rest |
| Blatz | Frederick | Knuth | O'Connor | Rice |
| Boerboom | Frederickson | Kostohryz | Ogren | Richter |
| Bco | Frerichs | Krueger | Olsen, S. | Riveness |
| Brandl | Greenfield | Kvam | Olsen, E. | Rodosovich |
| Brinkman | Gruenes | Levi | Omann | Rose |
| Burger | Gutknecht | Long | Onnen | Sarna |
| Carlson, D. | Halberg | Marsh | Otis | Schafer |
| Carlson, L. | Hartinger | McDonald | Ozment | Schoenfeld |
| Clark | Hartle | McEachern | Pappas | Seaberg |
| Clausnitzer | Haukoos | McPherson | Pauly | Segal |
| Cohen | Himle | Metzen | Peterson | Shaver |
| Dempsey | Jacobs | Miller | Piepho | Sherman |

Simoneau
Skoglund
Solberg
Sparby
Stanis

Staten
Sviggum
Thiede
Thorson
Tjornhom

Tomlinson
Tompkins
Tunheim
Uphus
Valan

Valento
Vellenga
Voss
Welle
Wenzel

Wynia
Zaffke
Spk. Jennings, D.

Those who voted in the negative were:

Osthoff

Waltman

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 535

A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

May 8, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 535, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 535 be further amended as follows:

Page 2, line 1, after "conveys" insert "a" and before the period insert "supply"

Page 2, line 1, after the period insert "*A Minnesota seller of lead solder, except for a seller whose primary business is contracting in plumbing, heating, and air conditioning, shall not sell any solder containing 0.2 percent lead unless the seller displays a sign which states,*

"Contains Lead

Minnesota law prohibits the use of this solder in any plumbing installation which is connected to a potable water supply."

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

House Conferees: TIM SHERMAN, KATHLEEN VELLENGA and DALE A. CLAUSNITZER.

Senate Conferees: BETTY A. ADKINS, ERIC D. PETTY and DUANE D. BENSON.

Sherman moved that the report of the Conference Committee on H. F. No. 535 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 535, A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the third time, 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 268:

Sviggum; Olsen, S., and Neuenschwander.

SPECIAL ORDERS

S. F. No. 1130 was reported to the House.

Onnen moved to amend S. F. No. 1130, as follows:

Page 34, delete lines 21 to 36

Page 35, delete lines 1 to 4

ReNUMBER subsequent sections

Page 35, line 6, after "*health*" delete the comma

Amend the title as follows:

Page 1, line 14, delete "appropriating money;"

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

Pauly moved to amend S. F. No. 1130, as amended, as follows:

Page 26, after line 4, insert:

"Sec. 19. Minnesota Statutes 1984, section 155A.08, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS.] The conditions and process by which a salon is licensed shall be established by the director by rule after consultation with the council. The rule shall include the following requirements:

(a) Compliance with all local and state laws, particularly relating to matters of sanitation, health, and safety;

(b) The employment of a manager, as defined in section 155A.03, subdivision 6;

(c) Inspection and licensing prior to the commencing of business; and

(d) Evidence of professional liability insurance coverage in an amount by claim and total coverage as established by rule. The rule shall authorize a licensed *esthetician* or manicurist who complies with the health, safety, sanitation, inspection, and insurance rules promulgated by the director to operate a salon solely for the performance of those personal services defined in section 155A.03, *subdivision 4, in the case of an esthetician, or subdivision 5, in the case of a manicurist.*"

Renumber subsequent sections

Correct the internal references

Amend the title as follows:

Page 1, line 18, after "147.10;" insert "155A.08, subdivision 2;"

A roll call was requested and properly seconded.

The question was taken on the Pauly amendment and the roll was called. There were 104 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|------------|-------------|-------------------|
| Anderson, G. | Elioff | Lieder | Pauly | Skoglund |
| Backlund | Ellingson | Long | Peterson | Solberg |
| Battaglia | Erickson | Marsh | Piper | Sparby |
| Becklin | Fjoslien | McDonald | Poppenhagen | Stanis |
| Begich | Forsythe | McEachern | Price | Staten |
| Bennett | Frederick | McKasy | Quinn | Sviggum |
| Blatz | Frederickson | McLaughlin | Quist | Thiede |
| Boerboom | Frerichs | McPherson | Redalen | Thorson |
| Boo | Gruenes | Metzen | Rees | Tjornhom |
| Brandl | Halberg | Miller | Rest | Tompkins |
| Brinkman | Hartinger | Minne | Richter | Tunheim |
| Brown | Hartle | Munger | Riveness | Uphas |
| Burger | Heap | Murphy | Rodosovich | Valento |
| Carlson, D. | Himle | Nelson, D. | Sarna | Vellenga |
| Carlson, J. | Kalis | Nelson, K. | Schafer | Voss |
| Carlson, L. | Kiffmeyer | O'Connor | Scheid | Waltman |
| Clark | Knickerbocker | Olsen, S. | Schoenfeld | Welle |
| Clausnitzer | Knuth | Omam | Schreiber | Wenzel |
| Cohen | Kostohryz | Osthoff | Seaberg | Wynia |
| DenOuden | Kvam | Otis | Shaver | Spk. Jennings, D. |
| Dyke | Levi | Ozment | Sherman | |

Those who voted in the negative were:

Greenfield Krueger

The motion prevailed and the amendment was adopted.

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 Stat-

utes, 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 third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 916 was reported to the House.

Gruenes moved to amend S. F. No. 916, as follows:

Page 4, after line 33, insert:

"Sec. 5. Minnesota Statutes 1984, section 256.12, subdivision 20, is amended to read:

Subd. 20. [ASSISTANCE UNIT.] "Assistance unit" means the group of individuals *who are applying for or receiving assis-*

tance and whose needs (OR INCOME, OR BOTH,) are (TAKEN INTO ACCOUNT) included in (DETERMINING ELIGIBILITY FOR OR) the (AMOUNT OF A) grant of assistance as determined under sections 256.72 to 256.87.

Sec. 6. Minnesota Statutes 1984, section 256.73, subdivision 2, is amended to read:

Subd. 2. [ALLOWANCE BARRED BY OWNERSHIP OF PROPERTY.] Ownership by (THE FATHER, MOTHER, CHILD, CHILDREN, OR ANY COMBINATION,) *an assistance unit of property as follows is a bar to any allowance under sections 256.72 to 256.87:*

(1) *The value of real property other than the homestead, which when combined with other assets exceeds the limits of paragraph (2), unless the assistance unit is making a good faith effort to sell the nonexcludable real property. The time period for disposal must not exceed nine months and the assistance unit shall execute an agreement to dispose of the property to repay assistance received during the nine months up to the amount of the net sale proceeds. The payment must be made when the property is sold. If the property is not sold within the required time or the assistance unit becomes ineligible for any reason the entire amount received during the nine months is an overpayment and subject to recovery. For the purposes of this section "homestead" means the house owned and occupied by the child, relative or other member of the assistance unit as his dwelling place, together with the land upon which it is situated (AND) in an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in (UN-PLATTED LAND) rural areas; or*

(2) *Personal property of an equity value in excess of \$1,000 for the entire assistance unit, exclusive of personal property used as the home, one motor vehicle of an equity value not exceeding \$1,500, one burial plot for each member of the assistance unit, one prepaid burial contract with an equity value of no more than \$1,000 for each member of the assistance unit, clothing and necessary household furniture and equipment and other basic maintenance items essential for daily living, in accordance with rules promulgated by and standards established by the commissioner of human services.*

Sec. 7. Minnesota Statutes 1984, section 256.73, subdivision 3a, is amended to read:

Subd. 3a. [PERSONS INELIGIBLE.] No assistance shall be given under sections 256.72 to 256.87:

(1) On behalf of any person who is receiving supplemental security income under title XVI of the social security act unless permitted by federal regulations;

(2) For any month in which the assistance unit's gross income, without application of deductions or disregards, exceeds (150) 185 percent of the standard of need for a family of the same size and composition; *except that the earnings of a dependent child who is a full-time student may be disregarded for six calendar months per year and the earnings of a dependent child who is a full-time student that are derived from the jobs training and partnership act may be disregarded for six calendar months per year.* If a stepparent's income is taken into account in determining need, the disregards specified in section 256.74, subdivision 1a shall be applied to determine income available to the assistance unit before calculating the unit's gross income for purposes of this paragraph;

(3) To any assistance unit for any month in which any caretaker relative with whom the child is living is, on the last day of that month, participating in a strike;

(4) On behalf of any other individual in the assistance unit, nor shall the individual's needs be taken into account (,) for any month in which, on the last day of the month, the individual is participating in a strike;

(5) To an assistance unit if its eligibility is based on a parent's unemployment and the parent who is the principal earner, without good cause, fails or refuses to *seek work, to participate in the work incentive program under section 256.736, if this program is available, to accept employment, or to register with a public employment office, unless the principal earner is exempt from these work requirements.*

Sec. 8. Minnesota Statutes 1984, section 256.73, subdivision 6, is amended to read:

Subd. 6. [REPORTS BY RECIPIENT.] (EACH RECIPIENT SHALL COMPLETE REPORTS AS REQUESTED BY THE LOCAL OR STATE AGENCY.) *An assistance unit with a recent work history or with earned income shall report monthly to the local agency on income received and other circumstances affecting eligibility or assistance amounts. All other assistance units shall report on income and other circumstances affecting eligibility and assistance amounts at less frequent intervals, as specified by the state agency.* All income not specifically disregarded by the social security act, the code of federal regulations, or state law, rules and regulations, shall be income applicable to the budgetary needs of the family. If any amount of aid to families with dependent children assistance is paid to a recipient thereof in excess of the payment due it shall be recoverable by the local agency. The agency shall give written notice to the recipient of its intention to recover the overpayment. Overpayments to a current assistance unit shall be recovered either through repayment by the individual in part or in full or by reducing the amount of aid payable to the assistance unit of

which the individual is a member. For any month in which an overpayment must be recovered, recoupment may be made by reducing the grant but only if the reduced assistance payment, together with the assistance unit's liquid assets and total income after deducting actual work expenses equals at least 95 percent of the standard of need for the assistance unit, except that if the overpayment is due solely to agency error, this total after deducting actual work expenses shall equal at least 99 percent of the standard of need. In cases when there is both an overpayment and underpayment the local agency shall offset one against the other in correcting the payment. *The local agency shall make reasonable efforts to recover overpayments made to persons no longer on assistance in accordance with standards established by the commissioner of human services. The local agency need not attempt to recover overpayments of less than \$35 paid to an individual no longer on assistance if the individual does not receive assistance again within three years, unless the individual has been convicted of fraud under section 256.98.* The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section 256.045. The county agency shall promptly repay the recipient for any underpayment and shall disregard that payment when determining the assistance unit's income and resources in the month when the payment is made and the following month.

Sec. 9. Minnesota Statutes 1984, section 256.736, subdivision 3, is amended to read:

Subd. 3. [OPERATION OF PROGRAM.] To determine who shall be designated as an appropriate individual for certification to the commissioner of economic security, the commissioner of human services shall provide standards for county welfare agencies and human services boards consistent with the standards promulgated by the secretary of health and human services. County welfare agencies shall certify appropriate individuals to the commissioner of economic security and shall require that every individual, as a condition of receiving aid to families with dependent children, register for employment services, training, and employment, unless such individual is:

(1) a child who is under age 16, a child age 16 or 17 who is attending elementary or secondary school or a secondary level vocational or technical school full time, or a full-time student age 18 who is attending a secondary school or a secondary level vocational or technical program and who is expected to complete the school or program before reaching age 19;

(2) a person who is ill, incapacitated or of advanced age;

(3) a person so remote from a work incentive project that his effective participation is precluded;

(4) a person whose presence in the home is required because of illness or incapacity of another member of the household;

(5) a parent or other caretaker relative of a child under the age of six who personally provides full-time care for the child;

(6) a parent or other caretaker if another adult relative in the (HOUSE) *assistance unit* is registered and has not, without good cause, failed or refused to participate or accept employment; (OR)

(7) a parent who is not the principal earner if the parent who is the principal earner is not exempt under clauses (1) to (6); or

(8) *a woman in her last trimester of pregnancy.*

Any individual referred to in clause (5) shall be advised of the option to register for employment services, training, and employment if the individual so desires, and shall be informed of the child care services, if any, which will be available if the individual decides to register.

If, after planning with a recipient, a decision is made that the recipient must register for employment services, training, and employment, the county welfare department shall give notice in writing to the recipient stating that he or she must register with the commissioner of economic security for participation in a work incentive program and that the recipient has a right to a fair hearing under section 256.045 with respect to the appropriateness of the registration.

Sec. 10. Minnesota Statutes 1984, section 256.736, subdivision 4, is amended to read:

Subd. 4. [CONDITIONS OF CERTIFICATION.] The commissioner of human services shall:

(1) Arrange for or provide any relative or child certified to the commissioner of economic security pursuant to this section with child-care services and other necessary family services;

(2) Pay ten percent of the cost of programs of training and employment established by the commissioner of economic security for persons certified hereunder;

(3) Provide that in determining a recipient's needs any monthly incentive training payment made to the recipient by the department of economic security is disregarded and the additional expenses attributable to his participation in a program are taken into account in grant determination; and

(4) Provide that when it has been certified by the commissioner of economic security, certification to be binding upon the commissioner of human services, that a relative or child certified under the work incentive program to the commissioner of economic security has been found by the commissioner, after a hearing conducted in the manner prescribed by section 268.10, subdivision 3, with the right of review in accordance with the provisions of section 268.10, subdivision 8, to have refused without good cause to participate under a work incentive program or to have refused without good cause to accept a bona fide offer of public or other employment, the county welfare departments shall provide that:

(a) If the relative makes the refusal, the relative's needs shall not be taken into account in making the grant determination, and aid for any dependent child in the family will be made in the form of *protective or vendor payments, except that when protective payments are made, the local agency may continue payments to the relative if a protective payee cannot reasonably be found.*

(b) Aid with respect to a dependent child will be denied if a child who makes the refusal is the only child receiving aid in the family.

(c) If there is more than one child receiving aid in the family, aid for the child who makes the refusal will be denied and his needs will not be taken into account in making the grant determination. If the assistance unit's eligibility is based on the *non-exempt* principal earner's unemployment and (THE) *this principal earner fails or refuses without good cause to participate or to accept employment, the entire assistance unit is ineligible for benefits under sections 256.72 to 256.87.*

Sec. 11. Minnesota Statutes 1984, section 256.74, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] The amount of assistance which shall be granted to or on behalf of any dependent child and mother or other needy eligible relative caring for the dependent child shall be determined by the county agency in accordance with rules promulgated by the commissioner and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health. The amount shall be based on the method of budgeting required in Public Law No. 97-35, Section 2315, 42 U.S.C. 602, as amended and federal regulations at 45 C.F.R. Section 233. *Nonrecurring lump sum income received by an assistance unit must be budgeted in the normal retrospective cycle. The number of months of ineligibility is determined by dividing the amount of the lump sum income and all other income, after application of the applicable disregards, by the standard of need for the assistance unit. An amount remaining after this calculation is income in the first month of eligibility. If the total monthly*

income including the lump sum income is larger than the standard of need for a single month the first month of ineligibility is the payment month that corresponds with the budget month in which the lump sum income was received. In making its determination the county agency shall disregard the following from family income:

(1) All of the earned income of each dependent child receiving aid to families with dependent children who is a full-time student or part-time student, and not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment as well as all the earned income derived from the job training and partnership act (JTPA) for a dependent child for six calendar months per year, together with unearned income derived from the job training and partnership act;

(2) All educational grants and loans awarded pursuant to a federal law when public assistance was considered in making the award and the award was made on the basis of financial need; and that part of any other educational grant or loan which is used for educational purposes, such as tuition, fees, equipment, transportation and child care expenses necessary for school attendance;

(3) The first \$75 of each individual's earned income. (IN THE CASE OF AN INDIVIDUAL NOT ENGAGED IN FULL-TIME EMPLOYMENT OR NOT EMPLOYED THROUGHOUT THE MONTH THE COMMISSIONER SHALL PRESCRIBE BY RULE A LESSER AMOUNT TO BE DISREGARDED.) For self-employed persons, the expenses directly related to producing goods and services and without which the goods and services could not be produced shall be disregarded pursuant to rules promulgated by the commissioner;

(4) An amount equal to the actual expenditures but not to exceed \$160 for the care of each dependent child or incapacitated individual living in the same home and receiving aid. In the case of a person not engaged in full-time employment or not employed throughout the month, the commissioner shall prescribe by rule a lesser amount to be disregarded; (AND)

(5) Thirty dollars plus one-third of the remainder of each individual's earned income not already disregarded for individuals found otherwise eligible to receive aid or who have received aid in one of the four months before the month of application. With respect to any month, the county welfare agency shall not disregard under this clause any earned income of any person who has:

(a) Reduced his earned income without good cause within 30 days preceding any month in which an assistance payment is made; or

(b) Refused without good cause to accept an offer of suitable employment; or

(c) Left employment or reduced his earnings without good cause and applied for assistance so that he might later return to employment with the advantage of the income disregard; or

(d) Failed without good cause to make a timely report of earned income in accordance with rules promulgated by the commissioner of human services.

Persons who are already employed and who apply for assistance shall have their needs computed with full account taken of their earned and other income. If earned and other income of the family is less than need, as determined on the basis of public assistance standards, the county agency shall determine the amount of the grant by applying the disregard of income provisions. The county agency shall not disregard earned income for persons in a family if the total monthly earned and other income exceeds their needs, unless for any one of the four preceding months their needs were met in whole or in part by a grant payment.

The disregard of \$30 and one-third of the remainder of earned income described in clause (5) shall be applied to the individual's income for a period not to exceed four consecutive months. Any month in which the individual loses this disregard because of the provisions of clause (5)(a) to (5)(d) shall be considered as one of the four months. *An additional \$30 work incentive must be available for an eight-month period beginning in the month following the last month of the combined \$30 and one-third work incentive. This period must be in effect whether or not the person has earned income or is eligible for AFDC.* To again qualify for (THIS) the earned income (DISREGARD) disregards under clause (d), the individual must not be a recipient of aid for a period of 12 consecutive months. (IF) When an (INDIVIDUAL) assistance unit becomes ineligible for aid (BECAUSE THIS EARNED INCOME DISREGARD HAS BEEN APPLIED TO INCOME FOR FOUR CONSECUTIVE MONTHS AND WILL) due to the fact that these disregards are no longer (BE) applied to income, (THE LOCAL AGENCY SHALL INFORM THE INDIVIDUAL OF THE MEDICAL ASSISTANCE PROGRAM, ITS STANDARDS OF ELIGIBILITY, AND THE CIRCUMSTANCES UNDER WHICH THE INDIVIDUAL WOULD) the assistance unit shall be eligible for medical assistance (.) benefits for a 12-month period beginning with the first month of AFDC ineligibility;

(6) (THE COMMISSIONER SHALL INCREASE THE STANDARD OF NEED FOR PERSONS WITH EARNED INCOME IN EFFECT ON JANUARY 1, 1982, BY 35 PERCENT FOR EACH ASSISTANCE UNIT. THE MAXIMUM AMOUNT PAID TO AN ASSISTANCE UNIT SHALL BE NO

MORE THAN 74 PERCENT OF THE INCREASED STANDARD OF NEED. WHENEVER THE COMMISSIONER INCREASES THE MAXIMUM PAYMENT AMOUNT FOR ALL ASSISTANCE UNITS, THE COMMISSIONER SHALL INCREASE THE MAXIMUM STANDARD OF NEED BY AN EQUAL PERCENTAGE.)

(TO DETERMINE THE AMOUNT OF ASSISTANCE TO BE PAID TO AN ASSISTANCE UNIT, NET INCOME SHALL BE DETERMINED IN A MANNER CONSISTENT WITH THIS CHAPTER AND APPLICABLE FEDERAL LAW. NET EARNED INCOME SHALL BE SUBTRACTED FROM THE INCREASED STANDARD OF NEED FOR AN ASSISTANCE UNIT OF THE APPROPRIATE SIZE AND COMPOSITION TO DETERMINE THE GRANT AMOUNT, EXCEPT THAT THE GRANT SHALL NOT EXCEED THE STANDARD OF NEED IN EFFECT ON JANUARY 1, 1982 FOR AN ASSISTANCE UNIT OF THE SAME SIZE AND COMPOSITION. UNEARNED INCOME SHALL BE SUBTRACTED FROM THE MAXIMUM PAYMENT AMOUNT FOR AN ASSISTANCE UNIT OF THE APPROPRIATE SIZE AND COMPOSITION TO DETERMINE THE GRANT AMOUNT.)

(MEDICAL ASSISTANCE ELIGIBILITY FOR MEDICALLY NEEDY PERSONS WHO ARE ELIGIBLE FOR AID TO FAMILIES WITH DEPENDENT CHILDREN SHALL BE DETERMINED ACCORDING TO THE STANDARD OF NEED IN EFFECT ON JANUARY 1, 1982) *The first \$50 per assistance unit of the monthly support obligation collected by the support and recovery (IV-D) unit; and*

(7) Insurance settlements to pay medical bills, to compensate a member of an assistance unit for partial or permanent loss of function or a body part, or to repair or replace insured property.

Sec. 12. Minnesota Statutes 1984, section 256.74, subdivision 1a, is amended to read:

Subd. 1a. [STEPPARENT'S INCOME.] In determining income available, the county agency shall take into account the remaining income of the dependent child's stepparent who lives in the same household after disregarding:

(1) The first \$75 of the stepparent's gross earned income. The commissioner shall prescribe by rule lesser amounts to be disregarded for stepparents who are not engaged in full-time employment or not employed throughout the month;

(2) An amount for support of the stepparent and any other individuals whom the stepparent claims as dependents for tax purposes and who live in the same household but whose needs are not considered in determining eligibility for assistance un-

der sections 256.72 to 256.87. The amount equals the standard of need for a family (WITH NO EARNED INCOME) of the same composition as the stepparent and these other individuals;

(3) Amounts the stepparent actually paid to individuals not living in the same household but whom the stepparent claims as dependents for tax purposes; and

(4) Alimony or child support, or both, paid by the stepparent for individuals not living in the same household.

Sec. 13. Minnesota Statutes 1984, section 256.74, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county in which the dependent child (IS RESIDING) *lives*. If the child is not (RESIDING) *living* within the state at the time of application but is eligible for assistance, the application may be made to the agency of the county where the child is present and forwarded to the agency of the county where the child last (RESIDED) *lived*. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and verified by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point". The application shall be made by the person with whom the child will live and contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state agency. One application may be made for several children of the same family if they (RESIDE) *live* with the same person.

Sec. 14. Minnesota Statutes 1984, section 256.76, subdivision 1, is amended to read:

Subdivision 1. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. *Notwithstanding section 393.07, the county agency shall not delay approval or issuance of assistance pending formal action of the county board of commissioners.* The first month's grant shall be based upon that portion of the month from the date of application, or from the date that the applicant meets all eligibility factors, whichever occurs later, provided that on the date that assistance is first requested, the local agency shall inquire and determine whether the person requesting assistance is in immediate need of food, shelter, clothing, or other emergency assistance. If an emergency need is found to exist, the applicant shall be granted assistance pursuant to sec-

tion 256.871 within a reasonable period of time. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. *If the applicant is subsequently found to have been eligible for assistance under sections 256.72 to 256.87, assistance rendered under section 256.871 must be considered as a regular AFDC payment and not a payment under section 256.871.* The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant or to the vendor of medical care upon order of the county agency from funds appropriated to the county agency for this purpose. The county agency shall, upon the granting of assistance under these sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to or for recipients of this assistance or in accordance with any subsequent order.

Sec. 15. Minnesota Statutes 1984, section 256.78, is amended to read:

256.78 [ASSISTANCE GRANTS RECONSIDERED.]

All assistance granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. *The period of ineligibility for AFDC which results when an assistance unit receives lump sum income must be reduced when:*

(1) *the assistance unit's standard of need increases due to changes in state law or due to changes in the size or composition of the assistance unit, so that the amount of aid the assistance unit would have received would have increased had it not become ineligible;*

(2) *the lump sum income, or a portion of it becomes unavailable to the assistance unit due to expenditures to avoid a life-threatening circumstance, theft, or dissipation which is beyond the family's control by a member of the family who is no longer part of the assistance unit when the lump sum income is not used to meet the needs of members of the assistance unit; or*

(3) *the assistance unit incurs and pays medical expenses for care and services specified in section 256B.02, subdivision 8.*

The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When as-

sistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.045.

Sec. 16. Minnesota Statutes 1984, section 256.79, is amended to read:

256.79 [REMOVAL TO ANOTHER COUNTY.]

Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which (HE) *the child* has moved or has been taken until (HE) *the child* shall have resided for two months in the county to which (HE) *the child* has moved. When (HE) *the child* has resided two months in the county to which (HE) *the child* has moved, or has been taken, the local agency of the county from which (HE) *the child* has moved shall transfer all necessary records relating to the child to the county agency of the county to which (HE) *the child* has moved. *Where the child's assistance is terminated for 30 days or less before a reapplication is made, that assistance must continue to be the financial obligation of the county from which the child has moved until the two-month residence requirement has been met.*

Notwithstanding the provisions of section 256.73, subdivision 4, the county of financial responsibility shall not change because application for assistance is not made prior to initial placement, *or when living in a battered woman's shelter or maternity shelter*, or as a result of successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of placement in any correctional program. *In the case of a child who has no established county of residence prior to placement, the county of financial responsibility is the county in which the child resides at the time the application is made and the applicable eligibility criteria are met.*

Sec. 17. Minnesota Statutes 1984, section 256.871, subdivision 3, is amended to read:

Subd. 3. **[COUNTY OF RESPONSIBILITY.]** No state or county durational residence is required to qualify for such assistance. The county which shall *be financially responsible and grant assistance* shall be the county wherein the child (RESIDES) *lives* who is found to be in emergency need. (SUCH COUNTY MAY OBTAIN REIMBURSEMENT FROM ANOTHER COUNTY WHEREIN THE CHILD HAS RESIDENCE AS PROVIDED IN SECTION 256.73.)

Sec. 18. Minnesota Statutes 1984, section 256.99, is amended to read:

256.99 [REVERSE MORTGAGE PROCEEDS DISREGARDED.]

All reverse mortgage loan proceeds received pursuant to section 47.58, including interest or earnings thereon, shall be disregarded and shall not be considered available to the borrower for purposes of determining initial or continuing eligibility for, or amount of, medical assistance, Minnesota supplemental assistance, general assistance, general assistance medical care, or a federal or state low interest loan or grant. This section applies regardless of the time elapsed since the loan was made or the disposition of the proceeds.

For purposes of medical assistance eligibility provided under section 256B.06, proceeds from a reverse mortgage must be disregarded as income in the month of receipt but are a resource if retained after the month of receipt.

Sec. 19. Minnesota Statutes 1984, section 256B.02, subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, nursing home, boarding home, shelter, halfway house, *correctional facility*, foster home, semi-independent living domicile, residential facility offering care, board and lodging facility offering 24-hour care or supervision of mentally ill, mentally retarded, or physically disabled persons, or other institution for the hospitalization or care of human beings, as defined in sections 144.50, 144A.01, or 245.782, subdivision 6.

Sec. 20. Minnesota Statutes 1984, section 256B.02, subdivision 3, is amended to read:

Subd. 3. "County of financial responsibility" means:

(a) for an applicant who resides in the state and is not in a facility described in subdivision 2, the county in which he or she resides at the time of application;

(b) for an applicant who resides in a facility described in subdivision 2, the county in which he or she resided immediately before entering the facility; and

(c) for an applicant who has not resided in this state for any time other than the excluded time, the county in which the applicant resides at the time of making application. *For this limited purpose, an infant who has resided only in an excluded time facility is the responsibility of the county which would have been re-*

sponsible for the infant if eligibility could have been established with the birth mother under section 256B.06, subdivision 1, clause (9).

Notwithstanding clauses (a) to (c), the county of financial responsibility for medical assistance recipients is the same county as that from which a recipient is receiving a maintenance grant or money payment under the program of aid to families with dependent children. There can be a redetermination of the county of financial responsibility for former recipients of the medical assistance program who have been ineligible for at least one month, so long as that redetermination is in accord with the provisions of this subdivision.

Sec. 21. Minnesota Statutes 1984, section 256B.06, subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676 under Minnesota Statutes, section 259.40 or 259.431; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676; or

(3) Who is eligible for or receiving public assistance under the aid to families with dependent children program, the Minnesota supplemental aid program; or

(4) Who is a pregnant woman, as certified in writing by a physician or nurse midwife, and who (a) meets the other eligibility criteria of this section, and (b) would be categorically eligible for assistance under the aid to families with dependent children program if the child had been born and was living with the woman; or

(5) *Who is a pregnant woman, as certified in writing by a physician or nurse midwife, who meets the other eligibility criteria of this section and whose unborn child would be eligible as a needy child under clause (9) of this subdivision if born and living with the woman; or*

(6) Who meets the categorical eligibility requirements of the supplemental security income program and the other eligibility requirements of this section; or

((6)) (7) Who, except for the amount of income or resources, would qualify for supplemental security income for the

aged, blind and disabled, or aid to families with dependent children, and who meets the other eligibility requirements of this section; or

((7)) (8) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(9) *Who is an infant less than one year of age born on or after October 1, 1984, whose mother was eligible at the time of birth and who remains in the mother's household. Eligibility under this clause is concurrent with the mother's and does not depend on the father's income except as the income affects the mother's eligibility; or*

((8)) (10) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

((9)) (11) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

((10)) (12) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant or recipient as his primary place of residence, together with the contiguous land upon which it is situated. The homestead shall continue to be excluded for persons residing in a long-term care facility if it is used as a primary residence by the spouse, minor child, or disabled child of any age; or the applicant/recipient is expected to return to the home as a principal residence within six calendar months of entry to the long-term care facility. Certification of expected return to the homestead shall be documented in writing by the attending physician. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless the commissioner determines that sale of the real estate would cause undue hardship or *unless the equity in the real estate when combined with the equity in the homestead totals \$15,000 or less; and*

((11)) (13) Who individually does not own more than \$3,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$6,000 in cash or liquid assets, plus \$200 for each additional legal dependent. Cash and liquid assets may include a prepaid funeral contract and insurance policies with cash surrender value. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

((12)) (14) Who has or anticipates receiving an annual income not in excess of the income standards by family size used in the aid to families with dependent children program, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income due solely to increases in federal retiree, survivor's, and disability insurance benefits, veterans administration benefits, and railroad retirement benefits in the percentage amount established in the biennial appropriations law unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

((13)) (15) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of human services, is to be applied to the cost of institutional care. The commissioner of human services may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care; and

((14)) (16) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 22. Minnesota Statutes 1984, section 256B.07, is amended to read:

256B.07 [EXCEPTIONS IN DETERMINING RESOURCES.]

A local agency may, within the scope of regulations set by the commissioner of human services, waive the requirement of liquidation of excess assets when the liquidation would cause undue hardship. *When an undue hardship waiver is granted due to excess assets created through a transfer of property under section 256B.17, subdivision 1, a cause of action exists against the person to whom the assets were transferred for that portion of medical assistance granted within 24 months of the transfer, or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or county agency responsible for providing medical assistance under section 256B.02, subdivision 3. Household goods and furniture in use in the home, wearing apparel, and personal property used as a regular abode by the applicant or recipient and a lot in a burial plot shall not be considered as resources available to meet medical needs.*

Sec. 23. Minnesota Statutes 1984, section 256B.17, subdivision 6, is amended to read:

Subd. 6. **[PROHIBITED TRANSFERS OF EXCLUDED RESOURCES.]** Any individual who is an inpatient in a skilled nursing facility or an intermediate care facility who, at any time during or after the 24-month period immediately prior to application for medical assistance, disposed of a homestead for less than fair market value shall be ineligible for medical assistance in accordance with subdivisions 1 to 4. An individual shall not be ineligible for medical assistance if one of the following conditions applies to the homestead transfer:

(1) a satisfactory showing is made that the individual can reasonably be expected to return to the homestead as a permanent residence;

(2) title to the homestead was transferred to the individual's spouse, child who is under age 21, or blind or permanently and totally disabled child as defined in the supplemental security income program;

(3) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(4) the local agency (DETERMINES THAT) grants a waiver of the excess resources created by the uncompensated transfer because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

When a waiver is granted, a cause of action exists against the person to whom the homestead was transferred for that portion

of medical assistance granted within 24 months of the transfer or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. The action may be brought by the state or the county agency responsible for providing medical assistance under section 256B.02, subdivision 3.

Sec. 24. Minnesota Statutes 1984, section 256D.01, subdivision 1a, is amended to read:

Subd. 1a. [STANDARDS.] A principal objective in providing general assistance is to provide for persons ineligible for federal programs who are unable to provide for themselves. To achieve these aims, the commissioner shall establish minimum standards of assistance for general assistance. The minimum standard of assistance determines the total amount of the general assistance grant without separate standards for shelter, utilities, or other needs and shall not be less than the combined total of the minimum standards of assistance for shelter and basic needs in effect on February 1, 1983. The standards of assistance shall not be lower for a recipient sharing a residence with another person unless that person is a responsible relative.

The standards shall be lowered for recipients who share a residence with a responsible relative who also receives general assistance or who receives AFDC. If the responsible relative is receiving AFDC then the amount payable to the general assistance recipient must not exceed the amount that would be attributable to him if he were included in the AFDC grant.

For recipients who are not exempt from registration with the department of economic security pursuant to section 256D.111, subdivision 2, clauses (a), (f), (g), and (h), and who share a residence with a responsible relative who is not eligible for general assistance, the standards shall be lowered, subject to these limitations:

(a) The general assistance grant shall be in an amount such that total household income is equal to the AFDC standard for a household of like size and composition, except that the grant shall not exceed that paid to a general assistance recipient living independently.

(b) Benefits received by a responsible relative under the supplemental security income program, the social security retirement program if the relative was receiving benefits under the social security disability program at the time he or she became eligible for the social security retirement program or if the relative is a person described in section 256D.111, subdivision 2, clause (a), (f), or (h), the social security disability program, a workers' compensation program, the Minnesota supplemental aid program, or on the basis of the relative's disability, must not be included in the household income calculation.

Sec. 25. Minnesota Statutes 1984, section 256D.06, is amended by adding a subdivision to read:

Subd. 1b. [EARNED INCOME SAVINGS ACCOUNT.] In addition to the \$50 disregard required under subdivision 1, the local agency shall disregard an additional earned income up to a maximum of \$150 per month for persons residing in facilities licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, and for whom discharge and work are part of a treatment plan. The additional amount disregarded must be placed in a separate savings account by the eligible individual, to be used upon discharge from the residential facility into the community. A maximum of \$1,000, including interest, of the money in the savings account must be excluded from the resource limits established by section 256D.08, subdivision 1, clause (1). Amounts in that account in excess of \$1,000 must be applied to the resident's cost of care. If excluded money is removed from the savings account by the eligible individual at any time before the individual is discharged from the facility into the community, the money is income to the individual in the month of receipt and a resource in subsequent months. If an eligible individual moves from a community facility to an inpatient hospital setting, the separate savings account is an excluded asset for up to 18 months. During that time, amounts that accumulate in excess of the \$1,000 savings limit must be applied to the patient's cost of care. If the patient continues to be hospitalized at the conclusion of the 18-month period, the entire account must be applied to the patient's cost of care."

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "revising procedures and requirements under the aid to families with dependent children, medical assistance, and general assistance programs; appropriating money;"

Page 1, line 7, delete "and"

Page 1, line 8, before the period insert "; 256.12, subdivision 20; 256.73, subdivisions 2, 3a, and 6; 256.736, subdivisions 3 and 4; 256.74, subdivisions 1, 1a, and 2; 256.76, subdivision 1; 256.78; 256.79; 256.871, subdivision 3; 256.99; 256B.02, subdivisions 2 and 3; 256B.06, subdivision 1; 256B.07; 256B.17, subdivision 6; 256D.01, subdivision 1a; and 256D.06, by adding a subdivision"

The motion prevailed and the amendment was adopted.

S. F. No. 916, A bill for an act relating to human services; authorizing the commissioner to establish a state advisory planning council; requiring counties to contract with nonprofit organizations; changing set aside project amounts; amending Minnesota

Statutes 1984, sections 245.70, subdivision 1; 245.71; 245.711, subdivision 2; and 245.713, subdivision 2.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 281 was reported to the House.

There being no objection S. F. No. 281 was temporarily laid over on Special Orders.

S. F. No. 743, A bill for an act relating to corporations; allowing nonprofit corporations to establish, maintain, and operate common trust funds; proposing coding for new law in Minnesota Statutes, chapter 317.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Blatz was excused while in conference.

H. F. No. 849 was reported to the House.

Long, Kahn, Otis, Skoglund and Greenfield moved to amend H. F. No. 849, the fourth engrossment, as follows:

Page 5, line 14, delete "*separated less than 75 percent of its*"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

| | | | | |
|--------------|-------------|--------------|------------|------------|
| Anderson, G. | Carlson, J. | Frederickson | Kostohryz | Nelson, D. |
| Backlund | Carlson, L. | Gruenes | Krueger | Nelson, K. |
| Battaglia | Clark | Gutknecht | Kvam | O'Connor |
| Beard | Clausnitzer | Hartinger | Long | Ogren |
| Becklin | Cohen | Hartle | Marsh | Olsen, S. |
| Begich | DenOuden | Haukoos | McDonald | Olson, E. |
| Bishop | Dimler | Heap | McEachern | Omann |
| Boerboom | Dyke | Himle | McLaughlin | Onnen |
| Boo | Elioff | Jacobs | McPherson | Osthoff |
| Brandl | Ellingson | Jaros | Metzen | Otis |
| Brinkman | Erickson | Jennings, L. | Miller | Pappas |
| Brown | Fjoslien | Kelly | Minne | Peterson |
| Burger | Forsythe | Kiffmeyer | Munger | Piepho |
| Carlson, D. | Frederick | Knuth | Murphy | Piper |

| | | | | |
|------------|------------|----------|-----------|-------------------|
| Price | Sarna | Skoglund | Tomlinson | Waltman |
| Quist | Scheid | Solberg | Tompkins | Welle |
| Redalen | Schoenfeld | Sparby | Tunheim | Wenzel |
| Rees | Schreiber | Stanisus | Uphus | Wynia |
| Rest | Segal | Staten | Valento | Zaffke |
| Richter | Shaver | Thiede | Vanasek | Spk. Jennings, D. |
| Riveness | Sherman | Thorson | Vellenga | |
| Rodosovich | Simoneau | Tjornhom | Voss | |

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

The question recurred on the Long et al. amendment and the roll was called.

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

There were 58 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|-------------|--------------|---------------|------------|-------------------|
| Backlund | Erickson | Jennings, L. | Ozment | Stanisus |
| Becklin | Fjoslien | Johnson | Pauly | Svigum |
| Bennett | Forsythe | Kalis | Piepho | Thiede |
| Bishop | Frederick | Kiffmeyer | Quist | Thorson |
| Boerboom | Frederickson | Knickerbocker | Redalen | Tjornhom |
| Brinkman | Frerichs | Kvam | Rees | Tompkins |
| Burger | Gruenes | Marsh | Richter | Uphus |
| Carlson, D. | Gutknecht | McDonald | Rose | Valan |
| Carlson, J. | Halberg | McPherson | Schafer | Valento |
| Clausnitzer | Hartinger | Miller | Schoenfeld | Waltman |
| Dempsey | Hartle | Munger | Schreiber | Zaffke |
| DenOuden | Haukoos | Olsen, S. | Seaberg | Spk. Jennings, D. |
| Dimler | Heap | Omann | Shaver | |
| Dyke | Himle | Onnen | Sherman | |

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

Kahn moved that her name be stricken as an author on H. F. No. 849. The motion prevailed.

H. F. No. 849 was read for the third time.

MOTION FOR RECONSIDERATION

Kiffmeyer moved that the action whereby H. F. No. 849 was given its third reading be now reconsidered. The motion did not prevail.

The Speaker resumed the Chair.

H. F. No. 849, A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1, 3a, and by adding a subdivision; 297.02, by adding subdivisions; 297.13, by adding subdivisions; 297.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 86 and 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

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 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|------------|-------------|-----------|
| Anderson, R. | Forsythe | Kvam | Piepho | Stanisus |
| Backlund | Frederick | Marsh | Poppenhagen | Thorson |
| Becklin | Frerichs | McKasy | Quist | Tomlinson |
| Bennett | Gruenes | McLaughlin | Redalen | Uphus |
| Bishop | Gutknecht | McPherson | Rees | Valan |
| Boo | Halberg | Metzen | Richter | Valento |
| Burger | Heap | Munger | Rose | Waltman |
| Carlson, D. | Jennings, L. | Murphy | Schafer | Zaffke |
| Dempsey | Johnson | Olsen, S. | Scheid | |
| Dimler | Kalis | Omann | Schreiber | |
| Dyke | Knickerbocker | Onnen | Seaberg | |
| Erickson | Knuth | Pauly | Shaver | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-------------|--------------|-----------|
| Anderson, G. | Brandl | Clausnitzer | Frederickson | Jacobs |
| Battaglia | Brinkman | Cohen | Greenfield | Kahn |
| Beard | Brown | DenOuden | Hartinger | Kiffmeyer |
| Begich | Carlson, J. | Elioff | Hartle | Kostohryz |
| Blatz | Carlson, L. | Ellingson | Haukoos | Krueger |
| Boerboom | Clark | Fjoslien | Himle | Levi |

| | | | | |
|----------------|-----------|------------|----------|-------------------|
| Lieder | Norton | Price | Simoneau | Tunheim |
| Long | O'Connor | Quinn | Skoglund | Vanasek |
| McDonald | Ogren | Rest | Solberg | Vellenga |
| McEachern | Olson, E. | Rice | Sparby | Voss |
| Miller | Osthoft | Riveness | Staten | Welle |
| Minne | Otis | Rodosovich | Sviggum | Wenzel |
| Nelson, D. | Ozment | Sarna | Thiede | Spk. Jennings, D. |
| Nelson, K. | Peterson | Schoenfeld | Tjornhom | |
| Neuenschwander | Piper | Sherman | Tompkins | |

The bill was not passed.

S. F. No. 281 which was temporarily laid over earlier today was again reported to the House.

Ogren moved to amend S. F. No. 281, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 3.739, subdivision 1, is amended to read:

Subdivision 1. [PERMISSIBLE CLAIMS.] Claims and demands arising out of the circumstances described in this subdivision shall be presented to, heard, and determined as provided in subdivision 2:

(1) An injury to or death of an inmate of a state, regional, or local correctional facility or county jail who has been conditionally released and ordered to perform uncompensated work for a state agency, a political subdivision or public corporation of this state, a nonprofit educational, medical, or social service agency, or a private business or individual, as a condition of his release, while performing the work;

(2) An injury to or death of a person sentenced by a court, granted a suspended sentence by a court, or subject to a court disposition order, and who, pursuant to court order, is performing work (a) in restitution, (b) in lieu of or to work off fines or court ordered costs, (c) in lieu of incarceration, or (d) as a term or condition of a sentence, suspended sentence, or disposition order, while performing the work; (OR)

(3) An injury to or death of a person, who has been diverted from the court system and who is performing work as described in paragraph (1) or (2) pursuant to a written agreement signed by himself, and if a juvenile, by his parent or guardian (.); or

(4) *An injury to or death of any person caused by an individual who was performing work as described in paragraph (1), (2), or (3).*

Sec. 2. Minnesota Statutes 1984, section 3.739, subdivision 2, is amended to read:

Subd. 2. [EVALUATION AND PAYMENT OF CLAIMS.] Claims not to exceed \$500 arising out of this section shall be investigated by the state or local agency responsible for supervising the work to determine if the claim is valid and if the loss is covered by *the claimant's insurance*. The investigating agency shall submit all appropriate claims to the department of corrections. The department shall pay the portion of any approved claim that is not covered by *the claimant's insurance* within a reasonable period of time. On or before the first day of each legislative session, the department shall submit to the appropriate committees of the senate and the house of representatives a list of the claims paid by it during the preceding calendar year, and shall be reimbursed pursuant to legislative appropriation for the claims paid. *For the purposes of this paragraph, in the case of a juvenile claimant the term "claimant's insurance" includes the insurance policy of the juvenile's parents if the juvenile is covered by the policy.*

Any claim in excess of \$500, and any claim that was not paid by the department may be presented to, heard, and determined by the appropriate committees of the senate and the house of representatives and, if approved, shall be paid pursuant to legislative claims procedure.

No juvenile claimant receiving payment pursuant to this section may be identified by name either in the list of claimants submitted by the department or in the legislative appropriation.

Sec. 3. Minnesota Statutes 1984, section 3.739, subdivision 2a, is amended to read:

Subd. 2a. [LIMITATIONS.] *Compensation paid under this section is limited to reimbursement for medical expenses and compensation for permanent total or partial disability or death. No compensation shall be paid pursuant to this section for pain and suffering. Payments made pursuant to this section shall be reduced by any proceeds received by the claimant from any insurance policy covering the loss. For the purposes of this section, "insurance policy" does not include the medical assistance program authorized under chapter 256B, or the general assistance medical care program authorized under chapter 256D.*

Sec. 4. Minnesota Statutes 1984, section 609.135, subdivision 1, is amended to read:

Subdivision 1. [TERMS AND CONDITIONS.] Except when a sentence of life imprisonment is required by law, or when a mandatory minimum term of imprisonment is required by section 609.11, any court may stay imposition or execution

of sentence and (a) may order noninstitutional sanctions without placing the defendant on probation, or (b) may place the defendant on probation with or without supervision and on the terms the court prescribes, including noninstitutional sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. *No noninstitutional sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.* For purposes of this subdivision, subdivision 6, and section 609.14, the term "noninstitutional sanctions" includes but is not limited to restitution, community work service, and work in lieu of or to work off fines.

A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169.121."

Amend the title as follows :

Page 1, line 2, after the semicolon insert "permitting certain individuals to make claims against the state;"

Page 1, line 7, after "subdivisions" insert "1," and after "2" insert a comma

The motion prevailed and the amendment was adopted.

S. F. No. 281, A bill for an act relating to criminal justice; clarifying the procedure for making certain claims against the state; providing limitations on the payment of claims; placing restrictions on places where work in restitution or community service may be performed; amending Minnesota Statutes 1984, sections 3.739, subdivisions 2 and 2a; and 609.135, subdivision 1.

The bill was read for the 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 119 yeas and 0 nays as follows :

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------|----------|-------------|
| Anderson, G. | Battaglia | Begich | Boerboom | Brown |
| Anderson, R. | Beard | Bennett | Brandl | Carlson, L. |
| Backlund | Becklin | Blatz | Brinkman | Clark |

| | | | | |
|--------------|---------------|----------------|------------|-------------------|
| Clausnitzer | Jacobs | Munger | Price | Staten |
| Cohen | Jaros | Murphy | Quist | Sviggun |
| Dempsey | Jennings, L. | Nelson, D. | Redalen | Thiede |
| DenOuden | Kahn | Nelson, K. | Rees | Thorson |
| Dimler | Kalis | Neuenschwander | Rest | Tjornhom |
| Dyke | Kelly | Norton | Richter | Tomlinson |
| Elioff | Kiffmeyer | O'Connor | Riveness | Tompkins |
| Ellingson | Knickerbocker | Ogren | Rodosovich | Tunheim |
| Erickson | Knuth | Olsen, S. | Rose | Uphus |
| Fjoslien | Kostohryz | Olson, E. | Sarna | Valan |
| Frederick | Krueger | Omann | Schafer | Valento |
| Frederickson | Kvam | Onnen | Scheid | Vanasek |
| Frerichs | Levi | Osthoff | Schoenfeld | Vellenga |
| Greenfield | Long | Otis | Schreiber | Voss |
| Gruenes | Marsh | Ozment | Shaver | Waltman |
| Gutknecht | McEachern | Pappas | Sherman | Welle |
| Halberg | McLaughlin | Pauly | Simoneau | Wenzel |
| Hartinger | McPherson | Peterson | Skoglund | Wynia |
| Haukoos | Metzen | Piepho | Solberg | Zaffke |
| Heap | Miller | Piper | Sparby | Spk. Jennings, D. |
| Himle | Minne | Poppenhagen | Stanius | |

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

Carlson, D., and Dempsey were excused while in conference.

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; requiring a study; 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.

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. | Begich | Brandl | Carlson, L. | Dimler |
| Anderson, R. | Bennett | Brinkman | Clark | Dyke |
| Backlund | Bishop | Brown | Clausnitzer | Elioff |
| Battaglia | Blatz | Burger | Cohen | Ellingson |
| Becklin | Boerboom | Carlson, D. | Dempsey | Erickson |

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

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. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clausnitzer moved that the House refuse to concur in the Senate amendments to H. F. No. 702, that the Speaker appoint a Conference Committee of 5 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. 856, A bill for an act relating to taxation; imposing an additional tax on certain interest earned on state or municipal obligations; providing an income tax credit for certain interest paid on those obligations; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pauly moved that the House refuse to concur in the Senate amendments to H. F. No. 856, that the Speaker appoint a Conference Committee of 5 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.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 615:

Tunheim, McPherson and Clausnitzer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 650:

Valento, Schafer and Marsh.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 863:

Seaberg, Marsh and Jacobs.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 401:

Dempsey, McDonald and Cohen.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 702:

Clausnitzer; Anderson, R.; Forsythe; Zaffke and Jennings, L.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 856:

Pauly, Valento, Quinn, Boerboom and Vanasek.

SPECIAL ORDERS

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, 3, and 4; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 18.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1088, A bill for an act relating to the revenue recapture act; including the University of Minnesota in the definition

of claimant agency; amending Minnesota Statutes 1984, sections 270A.02; and 270A.03, subdivision 2.

The bill was read for the 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 930 was reported to the House.

There being no objection S. F. No. 930 was temporarily laid over on Special Orders.

H. F. No. 1300, A bill for an act relating to the development of timber resources on tax-forfeited lands; transferring certain powers and duties of the commissioner of iron range resources and rehabilitation to the commissioner of natural resources; amending Minnesota Statutes 1984, section 282.38, subdivision 1.

The bill was read for the 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 903 was reported to the House.

There being no objection S. F. No. 903 was temporarily laid over on Special Orders.

S. F. No. 274, A bill for an act relating to civil commitment; requiring a hearing for the continued commitment of mentally retarded persons; amending Minnesota Statutes 1984, section 253B.13, subdivision 2.

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

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

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

There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rodosovich

The bill was passed and its title agreed to.

S. F. No. 1045 was reported to the House.

Carlson, L., moved to amend S. F. No. 1045, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [334.20] [USURIOUS INTEREST; DETERMINATION AT TIME OF CONTRACT.]

The law existing at the time of a contract for the loan or forbearance of money, goods, or services, or things in action shall determine whether the interest charged on the loan or forbearance exceeded the maximum statutory interest rate, and the penalty for exceeding the maximum statutory interest rate in effect at the time of the transaction shall be applied notwithstanding a subsequent repeal or modification of the maximum

statutory interest rate. This section applies to all actions to enforce a contract for the loan or forbearance of money, goods, or things in action that have not been reduced to final judgment on the effective date of this section, and applies to all contracts governed by this chapter, except sections 334.16 to 334.18, and chapters 47, 48, 50, 51A, 52, 53, and 56.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

Carlson, L., moved to amend S. F. No. 1045, as amended, as follows:

Page 1, line 20, delete "*, except*"

Page 1, line 21, delete "*sections 334.16 to 334.18,*"

Page 1, line 22, after "56" insert "*, except sections 334.16 to 334.18*"

The motion prevailed and the amendment was adopted.

S. F. No. 1045, A bill for an act relating to commerce; providing for the determination of certain usurious contracts; proposing coding for new law in Minnesota Statutes, chapter 334.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

S. F. No. 87 was reported to the House.

Swiggum moved to amend S. F. No. 87, as follows:

Page 1, line 16, strike "At any location" and strike "where"

Page 1, strike lines 17 to 20

Page 2, after line 2, insert:

"Sec. 2. [PROVIDING STATE-PAID INSURANCE FOR CERTAIN RETIRED EMPLOYEES.]

Notwithstanding other provisions of law, employees of the livestock weighing and licensing and grain inspection divisions of the department of agriculture who are eligible for retirement under the rule of 85 and who voluntarily retire before age 65 shall be eligible for state-paid insurance coverages to which they were entitled at the time of their voluntary retirement. To be eligible under this provision, employees who were eligible to retire under the rule of 85 prior to the effective date of this section and had not retired must exercise their option to retire within 30 days of final enactment of this section. Employees who become eligible between the effective date of final enactment of this section and June 30, 1986, must exercise their option to retire within 30 days of the date they become eligible for retirement under the rule of 85. State paid insurance coverage shall cease when the employee reaches age 65 or becomes eligible for similar paid benefits under other employment. This section is effective the day following final enactment. This section is repealed June 30, 1986."

Amend the title as follows:

Page 1, after line 3, insert "providing state-paid insurance benefits for certain retired employees;"

The motion prevailed and the amendment was adopted.

S. F. No. 87, A bill for an act relating to agriculture; removing the limitation on certain fees for state livestock weighing services; amending Minnesota Statutes 1984, section 17A.11.

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 102 yeas and 18 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|------------|-------------------|
| Anderson, G. | Forsythe | Marsh | Ozment | Sparby |
| Backlund | Frederick | McDonald | Pappas | Stanius |
| Battaglia | Greenfield | McEachern | Pauly | Staten |
| Beard | Cruenes | McKasy | Peterson | Sviggun |
| Begich | Gutknecht | McLaughlin | Piepho | Thorson |
| Bennett | Hartinger | McPherson | Piper | Tjornhom |
| Bishop | Hartle | Metzen | Price | Tomlinson |
| Boo | Haukoos | Minne | Quist | Tompkins |
| Brandl | Heap | Munger | Redalen | Tunheim |
| Brinkman | Jacobs | Murphy | Rest | Uphus |
| Brown | Jaros | Neison, D. | Rice | Valento |
| Burger | Jennings, L. | Nelson, K. | Riveness | Vanasek |
| Carlson, L. | Kahn | Neuenschwander | Rodosovich | Vellenga |
| Clark | Kalis | Norton | Rose | Voss |
| Clausnitzer | Kelly | O'Connor | Sarna | Waltman |
| Cohen | Knickerbocker | Ogren | Scheid | Wenzel |
| Dempsey | Knuth | Olsen, S. | Schoenfeld | Wynia |
| Dyke | Krueger | Olson, E. | Sherman | Spk. Jennings, D. |
| Elioff | Kvam | Onnen | Sinoncau | |
| Ellingson | Levi | Osthoff | Skoglund | |
| Erickson | Long | Otis | Solberg | |

Those who voted in the negative were:

| | | | | |
|----------|--------------|---------|---------|--------|
| Blatz | Frederickson | Miller | Seaberg | Valan |
| Boerboom | Frerichs | Rees | Shaver | Welle |
| DenOuden | Himle | Richter | Thiede | Zaffke |
| Fjoslien | Kiffmeyer | Schafer | | |

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

Krueger was excused while in conference.

S. F. No. 279 was reported to the House and given its third reading.

MOTION FOR RECONSIDERATION

Miller moved that the action whereby S. F. No. 279 was given its third reading be now reconsidered. The motion did not prevail.

S. F. No. 279, A bill for an act relating to natural resources; eliminating the mandatory shooting by conservation officers of dogs pursuing deer; restricting the shooting by others; increasing the penalty for owners of dogs that kill deer; amending Minnesota Statutes 1984, sections 100.29, subdivision 19; and 347.01.

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 72 yeas and 42 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|----------------|---------|-------------------|
| Backlund | Fjoslien | Kostohryz | Onnen | Sherman |
| Battaglia | Forsythe | Levi | Osthoff | Solberg |
| Bennett | Frederick | Long | Ozment | Stanis |
| Blatz | Frederickson | McDonald | Pappas | Svigum |
| Boerboom | Frerichs | McKasy | Pauly | Thorson |
| Boo | Gutknecht | McPherson | Quist | Tjornhom |
| Brandl | Halberg | Minne | Redalen | Tomlinson |
| Brinkman | Hartinger | Munger | Rees | Tompkins |
| Burger | Hartle | Murphy | Rest | Valento |
| Carlson, L. | Himle | Nelson, D. | Richter | Vellenga |
| Clausnitzer | Jacobs | Nelson, K. | Rose | Waltman |
| Cohen | Jaros | Neuenschwander | Schafer | Spk. Jennings, D. |
| Dempsey | Kelly | Norton | Scheid | |
| Dimler | Kiffmeyer | Ogren | Seaberg | |
| Elioff | Knickerbocker | Olsen, S. | Shaver | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|-----------|------------|--------|
| Anderson, G. | Haukoos | Olson, E. | Riveness | Valan |
| Beard | Jennings, L. | Omann | Sarna | Voss |
| Begich | Kalis | Otis | Schoenfeld | Welle |
| Brown | Knuth | Peterson | Simoneau | Wenzel |
| Dyke | Marsh | Piepho | Skoglund | Wynia |
| Ellingson | McEachern | Piper | Sparby | Zaffke |
| Erickson | McLaughlin | Price | Thiede | |
| Greenfield | Metzen | Quinn | Tunheim | |
| Gruenes | Miller | Rice | Uphus | |

The bill was passed and its title agreed to.

The Speaker called Halberg to the Chair.

S. F. No. 1067 was reported to the House.

There being no objection S. F. No. 1067 was temporarily laid over on Special Orders.

S. F. No. 866 was reported to the House.

Rose moved to amend S. F. No. 866, as follows:

Delete everything after the enacting clause and insert:

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

Subd. 25a. "Recyclable materials" means materials that are separated from mixed municipal solid waste, by the generator or during collection, for the purpose of recycling. Recyclable materials includes paper, glass, metals, automobile oil, and batteries.

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

Subd. 25b. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

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

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

Sec. 4. Minnesota Statutes 1984, section 115A.15, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to (REDUCE THE VOLUME OF WASTE GENERATED BY) *require state agencies and the state legislature to separate all recyclable and reusable commodities wherever feasible.* The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an ongoing basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The com-

missioner shall investigate opportunities for the inclusion of and may include local governments and regional agencies in administrative state programs to reduce waste, and to separate and recover recyclable and reusable commodities.

Sec. 5. Minnesota Statutes 1984, section 115A.81, is amended to read:

Subdivision 1. [SCOPE.] The terms used in sections 115A.80 to (115A.89) *115A.893* have the meanings given them in this section.

Subd. 2. [DESIGNATION.] "Designation" means a requirement by a waste management district or county that all or any portion of the *mixed municipal* solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be delivered to a resource recovery facility identified by the district or county.

Subd. 3. [REVIEWING AUTHORITY.] "*Reviewing authority*" means the agency responsible for reviewing and approving a designation plan under section 115A.84, subdivision 3, and a designation ordinance under section 115A.86, subdivision 2.

Sec. 6. Minnesota Statutes 1984, section 115A.84, subdivision 3, is amended to read:

Subd. 3. [PLAN APPROVAL.] A district or county planning a designation for waste generated wholly within the metropolitan area defined in section 473.121 shall submit its designation plan to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation plan to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within (90) *120* days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2. *The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision.*

Sec. 7. Minnesota Statutes 1984, section 115A.84, subdivision 4, is amended to read:

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

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

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

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

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

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

Sec. 8. Minnesota Statutes 1984, section 115A.86, subdivision 1, is amended to read:

Subdivision 1. [DESIGNATION ORDINANCE.] (a) The district or county shall prepare a designation ordinance to implement a designation. The designation ordinance must: (1) define the geographic area and the types and quantities of solid waste subject to designation; (2) specify the point or points of delivery of the solid waste; (3) require that the designated solid waste be delivered to the specified point or points of delivery; (4) *require the designated facility to accept all designated solid waste delivered to the specified point or points of delivery, unless the facility has notified waste collectors in the designated area that the facility is inoperative;* (5) set out the procedures and principles to be followed by the county or district in establishing and amending any rates and charges at the designated facility; and ((5)) (6) state any additional regulations governing waste collectors or other matters necessary to implement the designation.

(b) The designation ordinance must provide an exception for: (1) materials that are exempt or excluded from the designation under section 115A.83 or 115A.84, subdivision 4; and (2) materials otherwise subject to the designation for which

negotiated contractual arrangements exist that will require and effect the delivery of the waste to the facility for the term of the contract.

Sec. 9. [115A.893] [PETITION FOR EXCLUSION.]

Any person proposing to own or operate a resource recovery facility using waste materials subject to a designation ordinance may petition the waste district or county for exclusion of the materials from the designation ordinance. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the district or county may reasonably require. The district or county, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The district or county shall grant the petition if it determines that: (a) the materials will be processed at another resource recovery facility, and (b) the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the facility owner or operator, the district or county, or users of the facility. Any person aggrieved by the decision of the county may appeal to the reviewing authority. The review is confined to the record. The decision of the reviewing authority must be based on the standards stated in this section. If the reviewing authority approves the petition, the designation ordinance must be amended in conformance with the decision of the reviewing authority. The petition may be amended during the proceedings by agreement between the petitioner and the district or county.

Sec. 10. [115A.918] [DEFINITIONS.]

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

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

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

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

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

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

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

Sec. 11. Minnesota Statutes 1984, section 115A.919, is amended to read:

115A.919 [COUNTY FEE AUTHORITY.]

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

Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

Sec. 12. [115A.95] [RECYCLABLE MATERIALS.]

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

Sec. 13. Minnesota Statutes 1984, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [FINANCIAL RESPONSIBILITY RULES.] The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the clo-

sure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or *by January 1, 1987, whichever is later*, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility.

Sec. 14. Minnesota Statutes 1984, section 400.04, subdivision 1, is amended to read :

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

Sec. 15. Minnesota Statutes 1984, section 473.149, is amended by adding a subdivision to read :

Subd. 6. [COST AND FINANCING ANALYSIS.] By January 1, 1987, and each odd-numbered year thereafter, the council shall report to the legislature on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 16. Minnesota Statutes 1984, section 473.153, subdivision 1, is amended to read :

Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and section 115A.33, all (SEWAGE SLUDGE DISPOSAL FACILITIES AND) facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish the facilities needed for the disposal of (SEWAGE SLUDGE AND) solid waste generated by the commission. The council and the commission shall establish at least one facility.

Sec. 17. Minnesota Statutes 1984, section 473.153, subdivision 2, is amended to read :

Subd. 2. [CANDIDATE SITE SELECTION.] The council shall select candidate sites for the disposal of the commission's (SEWAGE SLUDGE AND) solid waste, together with appropriate surrounding buffer areas. The council shall select at least (FOUR) *three* candidate sites by September 1, 1983. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available. The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rule-making and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the council's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 18. Minnesota Statutes 1984, section 473.153, subdivision 5, is amended to read:

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

Sec. 19. Minnesota Statutes 1984, section 473.153, subdivision 6b, is amended to read:

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

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

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

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

Sec. 20. Minnesota Statutes 1984, section 473.153, subdivision 7, is amended to read:

Subd. 7. [EXEMPTIONS.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be

applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site *of less than 500 acres* owned by the commission for the purpose of landspreading sewage sludge (FOR A PERIOD NO LONGER THAN FOUR YEARS). Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency (, FOR A PERIOD NOT TO EXCEED FOUR YEARS).

Sec. 21. Minnesota Statutes 1984, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT PROPOSAL.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal must address at least waste reduction, separation, and resource recovery. The proposal must include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal must describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and must describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal must include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By August 1, 1984, each county shall provide the council with an analysis of the solid waste generated in the county, by classification of generators and by composition.

Subd. 1bb. [COUNTY ABATEMENT PLAN.] Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. The county plan must (EMBODY AND BE CONSISTENT WITH AT LEAST) *implement the local abatement objectives for the county and cities within the county as stated in the council's plan. The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in annual increments through the date specified in section 33 and in two five-year increments thereafter. The plan*

must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 33 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.

Sec. 22. Minnesota Statutes 1984, section 473.803, subdivision 3, is amended to read:

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

Sec. 23. Minnesota Statutes 1984, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. *A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.* Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted (AN) a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. *If the county*

within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report. Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 24. Minnesota Statutes 1984, section 473.811, subdivision 5a, is amended to read:

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

Sec. 25. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

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

Sec. 26. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility or capacity shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need *that conform to the certification standards stated in this subdivision*. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the *provisions of any master plans of counties (ADOPTED PURSUANT TO SECTION 473.803, SUBDIVISION 1B AND) that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule*. Prior to its adoption of standards and procedures for certifying need, the council may issue a temporary certificate of need for expansion of an existing waste disposal facility that would otherwise be closed due to reaching its permitted capacity, if neither the owner of the facility nor an affiliate of the owner owns another permitted waste disposal facility in the metropolitan area to use pending adoption of standards by the council. The temporary certificate of need is effective only until the council has adopted standards and procedures for certifying need and has either issued or denied issuance of a certificate of need for the facility in accordance with its standards and procedures. An affiliate means a corporation, partnership, sole proprietor, or other entity which controls, is controlled by, or is under common control with the owner. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.

Sec. 27. Minnesota Statutes 1984, section 473.831, is amended to read:

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

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

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

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

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

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

If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant

services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

Sec. 28. Minnesota Statutes 1984, section 473.840, subdivision 2, is amended to read:

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

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

Sec. 29. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

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

Sec. 30. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

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

Sec. 31. Minnesota Statutes 1984, section 473.844, subdivision 2, is amended to read:

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

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

Sec. 32. Minnesota Statutes 1984, section 473.844, subdivision 5, is amended to read:

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

Sec. 33. [473.848] [RESTRICTION ON DISPOSAL.]

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

not capable of being processed by resource recovery as determined by the council.

Sec. 34. Laws 1984, chapter 644, section 81, subdivision 2, is amended to read:

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

Sec. 35. Laws 1984, chapter 644, section 81, subdivision 3, is amended to read:

Subd. 3. [FEE ADMINISTRATION.] The sum of \$75,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering section 73. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund (UNDER SECTION 73, SUBDIVISION 7. THE COMPLEMENT OF THE DEPARTMENT OF REVENUE IS INCREASED BY TWO POSITIONS), and the amount necessary to make the reimbursement is appropriated, one-half from the landfill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 36. [ANOKA COUNTY; RESOURCE RECOVERY.]

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

Subd. 2. [LEASE OR SALE OF PROPERTY.] Anoka county may sell or lease any facilities or property or property rights to accomplish the purposes specified by Minnesota Statutes sections 473.149, 473.151, and 473.801 to 473.823, 473.827, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by section 458.196, or may be sold or leased in the manner and on the terms and conditions determined by the

county board. Each metropolitan county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired under this section may be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

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

Sec. 37. [RECOMMENDATIONS ON FINANCIAL RESPONSIBILITY.]

By January 1, 1986, the legislative commission on waste management shall recommend to the legislature mechanisms that will enable owners and operators of solid waste land disposal facilities to comply with the requirements of the financial responsibility rules adopted under Minnesota Statutes section 116.07, subdivision 4h.

Sec. 38. [APPROPRIATION.]

Subdivision 1. [PURPOSES.] Until June 30, 1987, the balance in the metropolitan landfill abatement fund after the appropriations in Laws 1984, chapter 644, section 81, subdivisions 2 and 3 as amended; and Minnesota Statutes, section 473.844, subdivision 5, is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the following purposes:

| | | |
|--|------------------|------------------|
| <i>(a) Grants and loans for market development for reusable and recyclable waste materials</i> | <i>\$ 30,000</i> | <i>\$ 30,000</i> |
|--|------------------|------------------|

| | | |
|---|------------------|------------------|
| <i>(b) Technical assistance and administration of grants, loans, and municipal cost recovery payments</i> | <i>\$ 15,000</i> | <i>\$ 15,000</i> |
|---|------------------|------------------|

| | | |
|--|------------------|------------------|
| <i>(c) Solid waste management planning assistance in the metropolitan area</i> | <i>\$ 51,000</i> | <i>\$ 51,000</i> |
|--|------------------|------------------|

| | | |
|--|------------------|------------------|
| <i>(d) Grants and loans for resource recovery and public education</i> | <i>\$204,000</i> | <i>\$204,000</i> |
|--|------------------|------------------|

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

Subd. 2. [CONTINGENCY.] If in any year the amount in the abatement fund is insufficient for the appropriations in this section, the appropriation in clause (d) is reduced accordingly.

Subd. 3. [WORK PROGRAM REQUIRED.] Each year, the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only. The council shall report to the legislature by February 15 of each year on expenditures from the fund.

Sec. 39. [APPLICATION.]

Sections 18 to 33 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 40. [REPEALER.]

Minnesota Statutes 1984, section 473.843, subdivision 7, is repealed."

Delete the title and insert:

"A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27, and by adding subdivisions; 115A.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.844, subdivisions 2 and 5; and Laws 1984, chapter 644, section 81, subdivi-

sions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1984, section 473.843, subdivision 7."

The motion prevailed and the amendment was adopted.

Rose moved to amend S. F. No. 866, as amended, as follows:

Page 1, line 35, after "*recycling*" insert a comma and delete "*Recyclable*"

Page 1, line 36, delete "*materials includes*" and before "*paper*" insert "*including*"

Page 5, line 32, delete "*another*" and insert "*the*" before "*resource*"

Page 6, line 2, before "*county*" insert "*district or*"

Page 7, line 24, insert after the period "*This section does not apply if no person is willing to accept the recyclable materials.*"

Page 12, after line 7, insert:

"Sec. 22. Minnesota Statutes 1984, section 473.801, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 473.801 to 473.845 and section 33 the terms defined in this section have the meanings given them."

Page 21, line 30, delete "*Each*"

Page 21, line 31, delete "*metropolitan*" and insert "*The*" before "*county*"

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Rose and Anderson, R., moved to amend S. F. No. 866, as amended, as follows:

Page 22, after line 15, insert:

"Sec. 44. [PUBLIC WELFARE.]

Of the appropriations to the commissioner of administration for replacing the boiler emission control unit at the Fergus Falls

State Hospital in Laws 1983, chapter 344, section 12, subdivision 4, and Laws 1984, chapter 597, section 18, subdivision 3, paragraph (b), up to \$500,000 may be used for solid waste incineration equipment."

Renumber the remaining sections

The motion prevailed and the amendment was adopted.

Sparby, Solberg, Dyke, and Erickson moved to amend S. F. No. 866, as amended, as follows:

Page 22, after line 8, insert:

"Sec. 39. [SOLID WASTE MANAGEMENT.]

Subd. 1. [LONG-TERM CONTRACTS.] Murray, Nobles, Pipestone, and Rock counties may jointly negotiate and enter into contracts, for a term not to exceed 30 years, for the management of solid waste generated in the counties. This authority supplements other authority of the counties. Contracts made by joint negotiations shall be approved by resolution adopted by the county board of each county. The contract may only be dissolved, before the date specified in the contract, by resolution of the county board of all counties involved.

Subd. 2. [APPLICATION.] This section is effective in Murray, Nobles, Pipestone and Rock counties the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 40. [JOINT POWERS AGREEMENT.] *Murray, Nobles, Pipestone, and Rock counties may enter into a joint powers agreement for the management of solid waste under Minnesota Statutes section 37. Other counties that enter into a joint powers agreement under Minnesota Statutes section 471.59 with Murray, Nobles, Pipestone, and Rock counties may enter contracts under Section 37 in the same manner as the counties in Section 37.*

Sec. 41. [PENNINGTON COUNTY; RESOURCE RECOVERY.]

Subd. 1. [LEASE OR SALE OF PROPERTY.] Pennington county may sell or lease any facilities or property or property rights to accomplish the purposes specified in Minnesota Statutes chapter 400. The property may be sold or leased in the manner provided by Minnesota Statutes section 400.14, or may be sold or leased in the manner and on the terms and conditions determined by the county board.

Subd. 2. [APPLICATION.] This section is effective in Pennington county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 42. [ITASCA COUNTY; GRANT, ADVANCE, OR LOAN FROM FEDERAL OR STATE GOVERNMENT.]

Itasca county may by ordinance accept from the government of the United States or the state of Minnesota grants, loans, or advances of money for energy improvements to heating facilities under Minnesota Statutes chapter 116J or sections 298.292 to 298.298, and may make agreements to repay any such loans or advances without submitting the proposal to a vote of the people."

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Backlund moved to amend S. F. No. 866, as amended, as follows:

Page 16, line 13, delete everything after "schedule"

Page 16, delete lines 14-26

Page 16, line 27, delete "owner"

The motion prevailed and the amendment was adopted.

Gruenes and Nelson, D., moved to amend S. F. No. 866, as amended, as follows:

Page 3, before line 1, insert:

"Sec. 5. Minnesota Statutes 1984, section 115A.54, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION; ASSURANCE OF FUNDS.] The board shall provide technical and financial assistance for the acquisition and betterment of the facilities and transfer stations from revenues derived from the issuance of bonds authorized by section 115A.58. Facilities for the incineration of solid waste without resource recovery are not eligible for assistance. (OF) Money appropriated for the purposes of the demonstration program (, AT LEAST 70 PERCENT SHALL BE DISTRIBUTED AS LOANS, AND THE REMAINDER SHALL) *may be distributed as grants or loans.* An individual project may receive assistance totaling up to 100 percent

of the capital cost of the project and grants up to 50 percent of the capital cost of the project. No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project."

Page 23, after line 18, insert:

"Sec. 48. [EFFECTIVE DATE.]

Section 5 is effective July 1, 1985."

Renumber the sections in sequence.

Amend the title accordingly.

The motion prevailed and the amendment was adopted.

Pauly moved to amend S. F. No. 866, as amended, as follows:

Page 23, after line 15, insert:

"Sec. 40. Notwithstanding Laws 1984, chapter 644, section 83, a new mixed municipal solid waste disposal facility or capacity shall not be permitted in the metropolitan area without a certificate of need, as provided by Section 67. This section is effective the day following final enactment."

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

Ogren offered an amendment to S. F. No. 866, as amended.

POINT OF ORDER

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

S. F. No. 866, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by counties and the metropolitan council; changing provisions relating to designation plans, disposal sites, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; grant-

ing and clarifying the powers which may be exercised by a county located outside the metropolitan area if it enters into an agreement with a metropolitan county for solid waste or resource recovery purposes; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; permitting Pennington county to dispose of certain property; permitting Itasca county to accept loans, advances, or grants from federal or state government; permitting certain counties to make joint contracts or agreements for solid waste management; providing for use of an appropriation for solid waste incineration equipment at the Fergus Falls State Hospital; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 2, 5, 6b, and 7; 473.801, subdivision 1; 473.811, subdivisions 5 and 5a; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A, 116C, and 473.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

| | | | | |
|-----------|---------|----------|---------|-------------------|
| Tomlinson | Uphus | Vanasek | Waltman | Wynia |
| Tompkins | Vaian | Vellenga | Welle | Zaffke |
| Tunheim | Valento | Voss | Wenzel | Spk. Jennings, D. |

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

S. F. No. 719 was reported to the House.

Sparby moved to amend S. F. No. 719, as follows:

Page 1, line 24, after "state" insert ", specifically Marshall, Roseau and Beltrami counties,"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

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 removal of elk from the state; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97.

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 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Cohen | Jacobs | McLaughlin | Otis |
| Anderson, R. | DenOuden | Jaros | McPherson | Ozment |
| Backlund | Dimler | Jennings, L. | Metzen | Pappas |
| Battaglia | Dyke | Kahn | Miller | Pauly |
| Beard | Elioff | Kalis | Minne | Peterson |
| Becklin | Ellingson | Kelly | Munger | Piepho |
| Begich | Erickson | Kiffmeyer | Murphy | Piper |
| Bennett | Forsythe | Knickerbocker | Nelson, D. | Poppenhagen |
| Boerboom | Frederick | Knuth | Nelson, K. | Price |
| Boo | Frederickson | Kostohryz | Neuenschwander | Quinn |
| Brandl | Frerichs | Krueger | Norton | Quist |
| Brinkman | Greenfield | Kvam | O'Connor | Redalen |
| Brown | Gruenes | Levi | Ogren | Rees |
| Burger | Gutknecht | Lieder | Olsen, S. | Rest |
| Carlson, D. | Halberg | Long | Olson, E. | Rice |
| Carlson, L. | Hartinger | Marsh | Omann | Richter |
| Clark | Hartle | McDonald | Onnen | Riveness |
| Clausnitzer | Haukoos | McEachern | Osthoff | Rodosovich |

| | | | | |
|------------|----------|-----------|----------|-------------------|
| Rose | Shaver | Staten | Uphus | Welle |
| Sarna | Sherman | Sviggum | Valan | Wenzel |
| Schafer | Simoneau | Thorson | Valento | Wynia |
| Scheid | Skoglund | Tjornhom | Vanasek | Zaffke |
| Schoenfeld | Solberg | Tomlinson | Vellenga | Spk. Jennings, D. |
| Seaberg | Sparby | Tompkins | Voss | |
| Segal | Stanius | Tunheim | Waltman | |

Those who voted in the negative were:

Fjoslien

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

MOTION FOR RECONSIDERATION

Kahn moved that the vote whereby H. F. No. 849 was not passed earlier today be now reconsidered.

A roll call was requested and properly seconded.

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

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

There were 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|------------|-----------|-----------|
| Anderson, R. | Forsythe | Levi | Pappas | Stanius |
| Backlund | Frederick | Long | Piper | Staten |
| Becklin | Greenfield | Marsh | Quist | Sviggum |
| Bennett | Gruenes | McDonald | Rees | Thorson |
| Boo | Hartle | McLaughlin | Rest | Tomlinson |
| Brandl | Heap | McPherson | Richter | Tompkins |
| Burger | Himle | Metzen | Rose | Valento |
| Carlson, D. | Jaros | Murphy | Scheid | Vellenga |
| Carlson, L. | Johnson | Nelson, D. | Schreiber | Waltman |
| Clark | Kahn | Nelson, K. | Seaberg | Welle |
| Cohen | Kelly | Norton | Segal | Wynia |
| Dimler | Kiffmeyer | Olsen, S. | Shaver | Zaffke |
| Dyke | Knickerbocker | Onnen | Sherman | |
| Ellingson | Knuth | Otis | Skoglund | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|-----------|----------------|-------------|
| Anderson, G. | Carlson, J. | Frerichs | Kvam | Olson, E. |
| Battaglia | Clausnitzer | Gutknecht | Lieder | Omann |
| Beard | Dempsey | Hartinger | McEachern | Osthoff |
| Begich | DenOuden | Haukoos | Miller | Ozment |
| Blatz | Elioff | Jacobs | Minne | Pauly |
| Boerboom | Erickson | Kalis | Neuenschwander | Peterson |
| Brinkman | Fjoslien | Kostohryz | O'Connor | Piepho |
| Brown | Frederickson | Krueger | Ogren | Poppenhagen |

Price
Quinn
Redalen
Rice

Riveness
Rodosovich
Sarna
Schafer

Schoenfeld
Simoneau
Solberg
Sparby

Thiede
Tjornhom
Tunheim
Uphus

Vanasek
Voss
Wenzel

The motion prevailed.

H. F. No. 849 was reported to the House.

MOTION FOR RECONSIDERATION

Kahn moved that the action whereby H. F. No. 849 was given its third reading be now reconsidered. The motion prevailed.

Kiffmeyer moved to amend H. F. No. 849, the fourth engrossment, as follows:

Page 3, after line 4, insert:

"Sec. 3. Minnesota Statutes 1984, section 116.16, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] In this section and sections 116.17 and 116.18:

(1) Agency means the Minnesota pollution control agency created by this chapter;

(2) Municipality means any county, city, and town, the metropolitan waste control commission established in chapter 473 and the metropolitan council when acting under the provisions of that chapter or an Indian tribe or an authorized Indian tribal organization, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The eligible cost of any municipal project, except as otherwise provided in clauses (7) and (8), includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative

costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of disposal systems; (e) inspection and supervision of construction; and (f) all other expenses of the kinds enumerated in section 475.65.

(7) For state grant purposes hereunder, the eligible cost for grant applicants shall be the eligible cost as determined by the United States environmental protection agency under the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq.

(8) Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost includes the acquisition of land for stabilization ponds, *the construction of collector sewers for totally unsewered statutory and home rule charter cities and towns described under section 368.01, subdivision 1 or subdivision 1a, that are in existence as of May 1, 1985,* and the provision of reserve capacity sufficient to serve the reasonable needs of the municipality for 20 years in the case of treatment works and 40 years in the case of sewer systems. Notwithstanding clause (7), for state grants under the state independent grants program, the eligible cost does not include (THE PROVISION OF COLLECTOR SEWERS AS DEFINED IN AGENCY RULES,) the provision of (SERVICE TO SEASONAL HOMES, OR) cost increases from contingencies that exceed three percent of as-bid costs or cost increases from unanticipated site conditions that exceed an additional two percent of as-bid costs."

Renumber the sections

Amend the title and correct internal references

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 849, the fourth engrossment, as amended, as follows:

Page 5, line 14, delete "*separated less than 75 percent of its*"

A roll call was requested and properly seconded.

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

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

There were 70 yeas and 55 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|------------|------------|-----------|
| Anderson, R. | Greenfield | McPherson | Quist | Spasby |
| Backlund | Hartle | Metzen | Rees | Stanius |
| Becklin | Heap | Murphy | Rest | Staten |
| Bennett | Jaros | Nelson, D. | Rice | Thorson |
| Boo | Kahn | Nelson, K. | Richter | Tomlinson |
| Brandl | Kelly | Norton | Rodosovich | Tompkins |
| Burger | Kiffmeyer | Olson, E. | Sarna | Uphus |
| Carlson, D. | Knickerbocker | Omamn | Scheid | Valento |
| Carlson, L. | Knuth | Otis | Schreiber | Vanasek |
| Clark | Krueger | Pappas | Seaberg | Vellenga |
| Cohen | Levi | Pauly | Shaver | Voss |
| Dyke | Long | Peterson | Sherman | Welle |
| Ellingson | McKasy | Piper | Simoneau | Wenzel |
| Forsythe | McLaughlin | Price | Skoglund | Wynia |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|--------------|----------------|-------------------|
| Anderson, G. | Erickson | Jennings, L. | Neuenschwander | Rose |
| Beard | Fjoslien | Johnson | O'Connor | Schafer |
| Begich | Frederick | Kalis | Ogren | Schoenfeld |
| Blatz | Frederickson | Kostohryz | Olsen, S. | Solberg |
| Boerboom | Frerichs | Kvam | Onnen | Sviggum |
| Brinkman | Gruenes | Lieder | Osthoff | Thiede |
| Brown | Gutknecht | Marsh | Ozment | Tjornhom |
| Carlson, J. | Hartinger | McDonald | Piopho | Valan |
| Dempsey | Haukoos | McEachern | Poppenhagen | Walman |
| DenOuden | Himle | Miller | Redalen | Zaffke |
| Elioff | Jacobs | Minne | Riveness | Spk. Jennings, D. |

The motion prevailed and the amendment was adopted.

H. F. No. 849, A bill for an act relating to water pollution control; establishing a state financial assistance program for the abatement of combined sewer overflow; reauthorizing the state independent grants program; increasing the cigarette tax rates; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 1, and by adding a subdivision; 116.18, subdivisions 1, 3a, and by adding a subdivision; 297.02, by adding subdivisions; 297.13, by adding subdivisions; 297.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 86 and 116; repealing Minnesota Statutes 1984, section 116.18, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|--------------|--------------|---------------|
| Anderson, R. | Burger | Ellingson | Frerichs | Kahn |
| Becklin | Carlson, D. | Erickson | Greenfield | Knickerbocker |
| Bennett | Clark | Forsythe | Gruenes | Knuth |
| Boo | Dimler | Frederick | Heap | Marsh |
| Brandl | Dyke | Frederickson | Jennings, L. | McKasy |

| | | | | |
|------------|------------|-----------|-----------|---------|
| McLaughlin | Nelson, K. | Rose | Staten | Valento |
| McPherson | Omann | Schreiber | Sviggum | Waltman |
| Metzen | Onnen | Seaberg | Thiede | Wynia |
| Munger | Quist | Shaver | Tomlinson | |
| Murphy | Rees | Skoglund | Tunheim | |

Those who voted in the negative were:

| | | | | |
|--------------|-----------|----------------|-------------|-------------------|
| Anderson, G. | Gutknecht | McDonald | Piper | Sparby |
| Backlund | Halberg | McEachern | Poppenhagen | Stanius |
| Battaglia | Hartinger | Miller | Price | Thorson |
| Beard | Hartle | Minne | Quinn | Tjornhom |
| Begich | Haukoos | Nelson, D. | Redalen | Tompkins |
| Bishop | Himle | Neuenschwander | Rest | Uphus |
| Blatz | Jacobs | Norton | Rice | Valan |
| Boerboom | Jaros | O'Connor | Richter | Vanasek |
| Brinkman | Johnson | Ogren | Riveness | Vellenga |
| Brown | Kalis | Olsen, S. | Rodosovich | Voss |
| Carlson, J. | Kelly | Olson, E. | Sarna | Welle |
| Carlson, L. | Kiffmeyer | Osthoft | Schafer | Wenzel |
| Clausnitzer | Kostohryz | Otis | Scheid | Zaffke |
| Cohen | Krueger | Ozment | Schoenfeld | Spk. Jennings, D. |
| Dempsey | Kvam | Pappas | Segal | |
| DenOuden | Levi | Pauly | Sherman | |
| Elioff | Lieder | Peterson | Simoneau | |
| Fjoslien | Long | Piepho | Solberg | |

The bill was not passed, as amended.

There being no objection the House recessed subject to the call of the Chair.

RECESS

RECONVENED

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

SPECIAL ORDERS, Continued

S. F. No. 1067 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 1067, A bill for an act relating to commerce; requiring certain agreements to extend credit to be in writing; proposing coding for new law in Minnesota Statutes, chapter 513.

The bill was read for the 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 93 yeas and 0 nays as follows :

Those who voted in the affirmative were :

| | | | | |
|-------------|---------------|------------|-------------|-------------------|
| Backlund | Elioff | Marsh | Piepho | Stanius |
| Battaglia | Ellingson | McEachern | Piper | Sviggum |
| Beard | Fjoslien | McPherson | Poppenhagen | Thiede |
| Becklin | Forsythe | Metzen | Price | Thorson |
| Begich | Frederick | Miller | Quinn | Tjornhom |
| Bennett | Frederickson | Murphy | Quist | Tomlinson |
| Bishop | Gruenes | Nelson, D. | Redalen | Tompkins |
| Blatz | Halberg | Nelson, K. | Rees | Tunheim |
| Boo | Hartinger | Norton | Rest | Uphus |
| Brinkman | Hartle | O'Connor | Richter | Valan |
| Brown | Haukoos | Ogren | Riveness | Valento |
| Burger | Jacobs | Olson, E. | Rodosovich | Vanasek |
| Carlson, L. | Johnson | Omann | Rose | Voss |
| Clark | Kelly | Onnen | Sarna | Waltman |
| Cohen | Kiffmeyer | Osthoff | Schafer | Wenzel |
| Dempsey | Knickerbocker | Otis | Scheid | Wynia |
| DenOuden | Knuth | Pappas | Shaver | Spk. Jennings, D. |
| Dimler | Levi | Pauly | Sherman | |
| Dyke | Lieder | Peterson | Skoglund | |

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. 98, A bill for an act relating to retirement ; expanding the availability of certain appropriations for actuarial services.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knickerbocker moved that the House concur in the Senate amendments to H. F. No. 98 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 98, A bill for an act relating to retirement ; expanding the availability of certain appropriations for actuarial services ; authorizing amendments for the Duluth, Minneapolis, and St.

Paul teachers retirement fund associations; approving the rescission of exemption from modification of pension coverage for Faribault firefighters and police relief associations; providing lump sum payments to certain retired or disabled public employees; appropriating money; amending Laws 1979, chapter 109, section 1, as amended.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds;

amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.-216; and 356.70.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knickerbocker moved that the House refuse to concur in the Senate amendments to H. F. No. 440, that the Speaker appoint a Conference Committee of 5 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. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bennett moved that the House concur in the Senate amendments to H. F. No. 1145 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1145, A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 155, A bill for an act relating to weights and measures; specifying the contents of a cord of freshly cut rough green aspen; amending Minnesota Statutes 1984, section 239.33.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, D., moved that the House concur in the Senate amendments to H. F. No. 155 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 155, A bill for an act relating to weights and measures; specifying the contents of a cord of freshly cut rough green aspen; amending Minnesota Statutes 1984, section 239.33.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 755, A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; authorizing the commission to adopt certain medication rules;

authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, D., moved that the House concur in the Senate amendments to H. F. No. 755 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 755, A bill for an act relating to horseracing; authorizing the legislative auditor to perform certain audits; requiring the commission to adopt certain medication rules; authorizing the attorney general to prosecute certain felonies; amending Minnesota Statutes 1984, sections 240.02, by adding a subdivision; 240.24; and 240.26, by adding a subdivision.

The bill was read for the third time, 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 93 yeas and 16 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, G. | Frederick | Krueger | Peterson | Sherman |
| Backlund | Frederickson | Levi | Piepho | Simoneau |
| Beard | Frerichs | Lieder | Piper | Solberg |
| Becklin | Greenfield | Marsh | Poppenhagen | Sparby |
| Begich | Gruenes | McDonald | Price | Stanius |
| Bennett | Gutknecht | McLaughlin | Quinn | Sviggum |
| Blatz | Hartinger | Munger | Quist | Thiede |
| Boerboom | Hartle | Murphy | Redalen | Thorson |
| Brinkman | Haukoos | Neuenschwander | Rees | Tjornhom |
| Brown | Heap | Norton | Rest | Tunheim |
| Burger | Jacobs | O'Connor | Richter | Uphus |
| Carlson, D. | Jaros | Ogren | Rodosovich | Valan |
| Carlson, L. | Jennings, L. | Olsen, S. | Rose | Valento |
| DenOuden | Johnson | Olson, E. | Sarna | Vanasek |
| Dimler | Kalis | Omann | Schafer | Waltman |
| Dyke | Kiffmeyer | Onnen | Scheid | Wenzel |
| Elioff | Knickerbocker | Osthoff | Schoenfeld | Spk. Jennings, D. |
| Erickson | Knuth | Otis | Seaberg | |
| Fjoslien | Kostohryz | Pauly | Shaver | |

Those who voted in the negative were:

| | | | | |
|-----------|------------|----------|-----------|-------|
| Battaglia | Kelly | Pappas | Skoglund | Voss |
| Brandl | Long | Riveness | Tomlinson | Welle |
| Clark | Nelson, D. | Segal | Vellenga | Wynia |
| Cohen | | | | |

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. 857, A bill for an act relating to insurance; authorizing the receiver of an insolvent insurer to accelerate the distribution of available assets in payment of claims against the insurer; establishing priority of certain claims; providing for recoupment of assessments; amending Minnesota Statutes 1984, sections 60B.44, subdivisions 1 and 4; 60B.46, by adding subdivisions; 60C.05, subdivision 1; 60C.18; and 61B.07, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Olsen, S., moved that the House concur in the Senate amendments to H. F. No. 857 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 857, A bill for an act relating to insurance; authorizing the receiver of an insolvent insurer to accelerate the distribution of available assets in payment of claims against the insurer; establishing priority of certain claims; amending Minnesota Statutes 1984, sections 60B.44, subdivision 1; 60B.46, by adding subdivisions; and 60C.05, subdivision 1.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knuth moved that the House concur in the Senate amendments to H. F. No. 957 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 957, A bill for an act relating to agriculture; providing that local governments may enter agreements; providing for soil and water 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; Laws 1979, chapter 315, sections 1; and 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, sections 40.19, subdivisions 3, 4, 10, 12, 14, and 15; and 40.24.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 1458, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Valan moved that the House concur in the Senate amendments to H. F. No. 1458 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1458, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and eco-

conomic development; creating a governor's rural development council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sparby moved that the House concur in the Senate amendments to H. F. No. 648 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 648, A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural development council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

The bill was read for the third time, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tompkins
Tunheim
Uphus

Valento
Vanasek
Vellenga

Voss
Waltman
Welle

Wenzel
Wynia

Zaffke
Spk. Jennings, D.

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. 1227, A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House refuse to concur in the Senate amendments to H. F. No. 1227, 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.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 440:

Knickerbocker, Sviggum, Gutknecht, Sarna and Simoneau.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 17, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 968, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 968 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [136.311] [STATE UNIVERSITY PARKING RULES.]

Subdivision 1. [AUTHORITY.] Notwithstanding section 169.966, the state university board may authorize a state university to adopt and enforce rules about parking on property owned or leased by the university. The rules may enable a university to assess and collect a fine and a towing fee for a violation of a rule. Money collected under this section by a state university is annually appropriated to the university for parking lot maintenance, improvement, and rule enforcement. A state university, with the approval of the state university board, shall establish procedures to resolve a dispute arising from enforcement of a rule. The provisions of chapter 14 shall not apply to this section.

Sec. 2. Minnesota Statutes 1984, section 487.30, is amended by adding a subdivision to read:

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

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

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

(c) the amount sought in any single action does not exceed \$2,000;

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

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

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

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

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

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

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

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

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

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

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

(3) the amount sought in any single action does not exceed \$2,000;

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

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

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

Sec. 4. Minnesota Statutes 1984, section 488A.29, subdivision 3, is amended to read:

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

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

(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though

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

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

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

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

(3) the amount sought in any single action does not exceed \$2,000;

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

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

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

Sec. 5. [136.89] [STATE UNIVERSITY NONPROFIT FOUNDATION PAYROLL DEDUCTIONS.]

Subdivision 1. [REQUEST; WARRANT.] The commissioner of finance, upon the written request of an employee of a state university or the state university board, may deduct each payroll period from the salary or wages of the employee the amount requested for payment to a nonprofit university foundation meeting the requirements in subdivision 2. The commissioner shall issue a warrant for the deducted amount to the nonprofit foundation.

Subd. 2. [FOUNDATION APPLICATION; APPROVAL.] A nonprofit foundation that desires to receive contributions through payroll deductions shall apply to the state university board for approval to participate in the payroll deduction plan. The board may approve the application for participation if the foundation:

(1) is tax exempt under section 501(c)3 of the Internal Revenue Code of 1954, as amended;

(2) qualifies for tax deductible contributions under section 170 of the Internal Revenue Code of 1954, as amended;

(3) secures funding solely for distribution to that state university; and

(4) has been incorporated according to chapter 317 for at least one calendar year prior to the date it applies to the state university board for approval.

Subd. 3. [SOLICITATION.] Efforts to secure payroll deductions authorized in subdivision 1 shall not interfere with, require a modification of, nor be conducted during the period of a payroll deduction fund drive for employees authorized by section 309.501.

Sec. 6. [STUDY OF NON-NEED SCHOLARSHIPS.]

The higher education coordinating board shall study the feasibility of post-secondary systems using direct appropriations for non-need scholarships. The study shall include consideration of the inequity of the distribution of funds and methods of alleviating the inequity. The board shall report its recommendations to the chairs of the house appropriations and senate finance committees by January 15, 1986."

Delete the title and insert:

"A bill for an act relating to education; authorizing post-secondary boards to award scholarships based on academic achievement; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; authorizing state universities to adopt and enforce

parking rules on their property; permitting payroll deductions for employees of state universities and the state university board for an eligible nonprofit university foundation; requiring HECE to study non-need scholarships; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 136."

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

House Conferees: TED THORSON, BOB HAUKOOS and JIM BOERBOOM.

Senate Conferees: GENE WALDORF, TOM A. NELSON and PATRICIA LOUISE KRONEBUSCH.

Thorson moved that the report of the Conference Committee on H. F. No. 968 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

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.

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

There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Clark | Halberg | Levi | O'Connor |
| Backlund | Clausnitzer | Hartinger | Lieder | Ogren |
| Battaglia | Cohen | Hartle | Long | Olsen, S. |
| Beard | DenOuden | Haukoos | Marsh | Olson, E. |
| Becklin | Dimler | Heap | McDonald | Omann |
| Begich | Dyke | Jacobs | McEachern | Onnen |
| Bennett | Eloff | Jaros | McLaughlin | Osthoff |
| Bishop | Ellingson | Jennings, L. | McPherson | Otis |
| Blatz | Erickson | Johnson | Metzen | Ozment |
| Boerboom | Fjoslien | Kahn | Miller | Pappas |
| Boo | Forsythe | Kalis | Minne | Pauly |
| Brandl | Frederick | Kelly | Munger | Peterson |
| Brinkman | Frederickson | Kiffmeyer | Murphy | Piepho |
| Brown | Frerichs | Knickerbocker | Nelson, D. | Piper |
| Burger | Greenfield | Knuth | Nelson, K. | Poppenhagen |
| Carlson, D. | Gruenes | Kostohryz | Neuenschwander | Price |
| Carlson, L. | Gutknecht | Krueger | Norton | Quinn |

| | | | | |
|------------|------------|----------|-----------|-------------------|
| Quist | Sarna | Skoglund | Tomlinson | Waltman |
| Redalen | Schafer | Solberg | Tompkins | Welle |
| Rees | Scheid | Sparby | Tunheim | Wenzel |
| Rest | Schoenfeld | Stanius | Uphus | Wynia |
| Rice | Seaberg | Staten | Valan | Zaffke |
| Richter | Segal | Swiggum | Valente | Spk. Jennings, D. |
| Riveness | Shaver | Thiede | Vanasek | |
| Rodosovich | Sherman | Thorson | Vellenga | |
| Rose | Simoneau | Tjornhom | Voss | |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1037

A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

May 17, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1037, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: CHRIS TJORNHOM, ELTON R. REDALEN and JOEL JACOBS.

Senate Conferees: CONRAD M. VEGA, DONALD M. MOE and DENNIS R. FREDERICKSON.

Tjornhom moved that the report of the Conference Committee on H. F. No. 1037 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.-243, subdivision 8.

The bill was read for the third time, as amended by Conference, 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, G. | Erickson | Krueger | Ozment | Simoneau |
| Backlund | Fjoslien | Lieder | Pappas | Skoglund |
| Battaglia | Forsythe | Long | Pauly | Solberg |
| Beard | Frederick | Marsh | Peterson | Sparby |
| Becklin | Frederickson | McDonald | Piepho | Stanius |
| Begich | Frerichs | McEachern | Piper | Staten |
| Bennett | Greenfield | McLaughlin | Poppenhagen | Sviggunn |
| Bishop | Gruenes | McPherson | Price | Thiede |
| Blatz | Gutknecht | Metzen | Quinn | Tjornhom |
| Boerboom | Halberg | Miller | Quist | Tomlinson |
| Boo | Hartinger | Minne | Redalen | Tompkins |
| 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 |
| DenOuden | Kelly | Olson, E. | Schoenfeld | Wenzel |
| Dimler | Kiffmeyer | Omann | Seaberg | Wynia |
| Dyke | Knickerbocker | Onnen | Segal | Zaffke |
| Elioff | Knuth | Osthoff | Shaver | Spk. Jennings, D. |
| Ellingson | Kostohryz | Otis | Sherman | |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 729

A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

May 17, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 729, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 729 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 69.011, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapters 423, 424 and 424A have the meanings ascribed to them:

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

(b) "Municipality" means any home rule charter or statutory city, organized town or park district subject to chapter 398, *and the University of Minnesota*.

(c) "Minnesota Firetown Premium Report" means a form prescribed by the commissioner containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums received upon risks located or to be performed in this state less return premiums and dividends.

(d) "Firetown" means the area serviced by any municipality having a qualified fire department or a qualified incorporated fire department having a subsidiary volunteer firefighters relief association.

(e) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether the property is subject to taxation, or exempt from ad valorem taxation obtained from information which appears on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(f) "Minnesota Aid to Police Premium Report" means a form prescribed by the commissioner for reporting by each fire and casualty insurer of all premiums received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported in the Minnesota business schedule of the fire and casualty insurance companies annual fi-

nancial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations less return premiums and dividends.

(g) "Peace officer" means any person:

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;

(2) Who has been employed for a minimum of six months prior to December 31 preceding the date of the current year's certification pursuant to subdivision 2, clause (b);

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) Who is licensed by the peace officers standards and training board and is authorized to arrest with a warrant; and

(5) Who is a member of a local police relief association to which section 69.77 applies or the public employees police and fire fund.

(h) "Full time equivalent number of peace officers providing contract service" means the integral or fractional number of peace officers which would be necessary to provide the contract service if all peace officers providing service were employed on a full time basis as defined by the employing unit and the municipality receiving the contract service.

(i) "Retirement benefits other than a service pension" means any disbursement authorized pursuant to section 424.05, subdivision 3, clauses (2), (3) and (4).

(j) "Municipal clerk, municipal clerk-treasurer or county auditor" means the person who was elected or appointed to the specified position or, in the absence of the person, another person who is designated by the applicable governing body. In a park district the clerk is the secretary of the board of park district commissioners. *In the case of the University of Minnesota, the clerk is that official designated by the board of regents.*

Sec. 2. Minnesota Statutes 1984, section 69.26, is amended to read:

69.26 [RELIEF ASSOCIATIONS SELF GOVERNING.]

Subdivision 1. Each relief association shall be organized, operated, and maintained in accordance with its own articles of

incorporation and bylaws, by firefighters, as defined in section 69.27, who are members of the fire departments. Each association shall have power to regulate its own management and its own affairs, and all additional corporate powers which may be necessary or useful; subject to the regulations and restrictions of the laws of this state pertaining to corporations not inconsistent herewith.

Subd. 2. Each relief association may provide for the participation of retired members of the fire departments in the governance of the association as each association deems appropriate. The bylaws of the associations may be amended to provide retired members the right to vote, to be elected to the board and to pay dues.

Sec. 3. Minnesota Statutes 1984, section 353.01, subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota Cities.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) Employees of the Association of Minnesota Counties.

(h) Employees of the Metropolitan Inter-County Association.

(i) Employees of the Minnesota Municipal Utilities Association.

(j) Employees of the metropolitan airports commission if employment initially commences on or after July 1, 1979.

(k) Employees of the Minneapolis employees retirement fund, if employment initially commences on or after July 1, 1979.

(l) Employees of the Range Association of Municipalities and Schools.

(m) Employees of the soil and water conservation districts.

(n) *Employees of a county historical society.*

Sec. 4. Minnesota Statutes 1984, section 353.34, is amended by adding a subdivision to read:

Subd. 3b. [DEFERRED ANNUITY; CERTAIN FORMER MUNICIPAL COURT JUDGES.] Any person who qualified for membership in the association solely because of service as a municipal court judge, whose service as a municipal court judge was terminated by Laws 1971, chapter 951, section 9, and who elected to leave his or her accumulated deductions in the fund to qualify for a deferred annuity, may receive a deferred early retirement annuity under section 353.30, subdivisions 1, 1a, 1b, or 1c, notwithstanding the law in effect on the date of his or her termination of public service.

Sec. 5. Minnesota Statutes 1984, section 423A.02, is amended to read:

423A.02 [LOCAL POLICE AND FIREFIGHTERS' RELIEF ASSOCIATION AMORTIZATION STATE AID.]

Subdivision 1. Any municipality in which is located a local police or salaried firefighters' relief association to which the provisions of section 69.77, apply, unless the municipality has adopted a municipal resolution retaining the local relief association pursuant to section 423A.01, subdivision 1, shall be entitled upon (ANNUAL) application (ON OR BEFORE THE DATE SPECIFIED) as required by the commissioner of finance to receive local police and salaried firefighters' relief association amortization state aid if the municipality and the appropriate relief association both comply with the applicable provisions of sections 69.031, subdivision 5, 69.051, subdivisions 1 and 3, and 69.77. The amount of (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid to which a municipality is entitled annually shall be an amount equal to the level annual dollar amount required to amortize, by December 31, 2010, the unfunded accrued liability of the special fund of the appropriate relief association as reported in the (MOST RECENT) December 31, 1978, actuarial valuation of the relief association prepared pursuant to Minnesota Statutes (1978), sections 356.215 and 356.216, (AND FILED WITH THE COMMISSIONER OF COMMERCE ON THE DATE OF FINAL ENACTMENT OF LAWS 1980, CHAPTER 607,) reduced by the dollar amount required to pay the interest on the unfunded accrued liability of the special fund of the relief association for (THE) calendar year

(NEXT FOLLOWING THE DATE OF FINAL ENACTMENT OF LAWS 1980, CHAPTER 607,) 1981 set at the rate specified in Minnesota Statutes 1978, section 356.215, subdivision 4, clause (4). Payment of (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid to municipalities shall be made directly to the municipalities involved in four equal installments on March 15, July 15, September 15 and November 15 annually. Upon receipt of (THE LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid, the municipal treasurer shall transmit the aid amount to the treasurer of the local relief association for immediate deposit in the special fund of the relief association. The commissioner of finance shall prescribe and periodically revise the form for and content of the (ANNUAL) application for the (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid. The amounts required to pay the (LOCAL POLICE AND SALARIED FIREFIGHTERS' RELIEF ASSOCIATION) amortization state aid are hereby annually appropriated from the general fund to the commissioner of finance.

Subd. 2. Any municipality which has qualified for amortization state aid under subdivision 1 shall continue upon application to be entitled to receive amortization state aid and supplementary amortization state aid authorized by Laws 1984, chapter 564, section 48, after the local police or salaried firefighters' relief association has been consolidated into the public employees police and fire fund.

Sec. 6. [423A.07] [ADDITIONS TO BOARD.]

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

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

Sec. 7. Minnesota Statutes 1984, section 423A.15, is amended to read:

423A.15 [EFFECT OF PROVISIONS FOR EXISTING DISABILITY BENEFIT RECIPIENTS.]

The provisions of section 423A.06 shall apply to any member of any applicable local relief association in active service on or

after March 24, 1982. The provisions of section 423A.11 shall apply to any person receiving a disability benefit from a local relief association on or after March 24, 1982. The provisions of section 423A.12 shall apply to any person who returns to active employment as a police officer or firefighter, whichever is applicable, after receipt of a permanent disability benefit (ON OR AFTER MARCH 24, 1982). The provisions of section 423A.14 shall apply to any person who first commences receipt of a disability benefit after March 24, 1982.

Sec. 8. Minnesota Statutes 1984, section 424A.02, subdivision 6, is amended to read:

Subd. 6. [PAYMENT OF SERVICE PENSIONS; NONAS-SIGNABILITY.] The method of calculating service pensions shall be applied uniformly *for all years of active service and credit shall be given for all years of active service*, except as otherwise provided in this section. No service pension shall be paid to any person while the person remains an active member of the respective fire department, and no person who is receiving a service pension shall be entitled to receive any other benefits from the special fund of the relief association. No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution or other legal process, except as provided in section 518.611. No person entitled to a service pension or ancillary benefits from the special fund of a relief association may assign any service pension or ancillary benefit payments, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 9. Minnesota Statutes 1984, section 424A.02, subdivision 9, is amended to read:

Subd. 9. [LIMITATION ON ANCILLARY BENEFITS.] Any relief association may pay ancillary benefits which would constitute an authorized disbursement as specified in section 424A.05 subject to the following limitations:

(a) With respect to a relief association in which governing bylaws provide for a lump sum service pension to a retiring member, no ancillary benefit may be paid to any former member or paid to any person on behalf of any former member after the former member (1) terminates active service with the fire department and active membership in the relief association; and (2) commences receipt of a service pension as authorized pursuant to this section; and

(b) With respect to any relief association, no ancillary benefit paid or payable to any member, to any former member, or

to any person on behalf of any member or former member, may exceed in amount the total earned service pension of the member or former member. The total earned service pension (IS) *shall be* calculated using the service pension amount specified in the by-laws of the relief association and the years of service credited to the member or former member. The years of service (ARE) *shall be* determined as of (1) the date the member or former member became entitled to the ancillary benefit; or (2) the date the member or former member died entitling a survivor or the estate of the member or former member to an ancillary benefit. The (SURVIVOR) *ancillary* benefit (MAY) *shall be* calculated (1) without regard to whether the member or former member had attained the minimum amount of service and membership credit specified in the governing bylaws; and (2) without regard to the percentage amounts specified in subdivision 2; except that the bylaws of any relief association may provide for the payment of a survivor benefit in an amount not to exceed five times the yearly service pension amount specified in the bylaws on behalf of any member who dies before having performed five years of active service in the fire department with which the relief association is affiliated.

Sec. 10. Minnesota Statutes 1984, section 424A.02, is amended by adding a subdivision to read:

Subd. 12. [TRANSFER OF SERVICE CREDIT TO NEW DISTRICT.] Notwithstanding the requirements of subdivision 1 or any other law, a member of a fire department which is disbanded upon formation of a fire district to serve substantially the same geographic area, who serves as an active firefighter with the new district fire department, and is a member of the district firefighters' relief association shall be entitled to a non-forfeitable service pension from the new relief association upon completion of a combined total of 20 years active service in the disbanded and the new departments. The amount of the service pension shall be based upon years of service in the new department only, and shall be in an amount equal to the accrued liability for the appropriate years of service calculated in accordance with section 69.772, subdivision 2.

Sec. 11. Laws 1969, chapter 950, section 1, subdivision 1, as amended by Laws 1978, chapter 720, section 19, and Laws 1982, chapter 450, section 1, is amended to read:

Subdivision 1. [ELIGIBILITY FOR COVERAGE.] Any person who was employed by the county of Hennepin or its agencies, boards, commissions, authorities and committees prior to (THE EFFECTIVE DATE OF THIS ACT) *April 14, 1982*, as an employee or an officer in the classified service as defined in Laws 1965, Chapter 855, and amendatory and supplemental acts, or as an employee in the unclassified service, and who has served for five years as a county employee or an officer in the classified service, or as a county employee in the unclassified service, which

need not necessarily be continuous, and which shall include time served as a county employee prior to June 8, 1965, if the person is an employee in the classified service, shall be entitled to elect to (RETAIN OR) obtain (, WHICHEVER IS APPLICABLE,) coverage by the Hennepin county supplemental retirement program. The election to (RETAIN OR) obtain coverage may be exercised only once (, THE ELECTION TO RETAIN COVERAGE SHALL BE EXERCISED WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ACT. THE ELECTION TO OBTAIN COVERAGE) and shall be exercised within 30 days of the date on which the person first becomes entitled to elect to obtain coverage. *No person hired, rehired, or reinstated by the county as an employee in the classified or unclassified service on or after April 14, 1982, shall be eligible for coverage by the Hennepin county supplemental retirement program.*

Sec. 12. Laws 1969, chapter 950, section 4, as amended by Laws 1975, chapter 153, section 2, and Laws 1982, chapter 450, section 4, is amended to read:

Sec. 4. [SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF SHARES.]

When requested to do so, in writing, on forms provided by the county, by a participant, surviving spouse, a guardian of a surviving child or an estate, whichever is applicable, the county of Hennepin shall redeem shares in the accounts of the Minnesota supplemental investment fund standing in a participant's share account record under the following circumstances and in accordance with the laws and regulations governing the Minnesota supplemental investment fund:

(1) A participant who (HAS REACHED THE AGE OF AT LEAST 58 YEARS AND WHO) is no longer employed by the county of Hennepin shall be entitled to receive the cash realized on the redemption of the shares to the credit of the participant's share account record of the person. The participant may (DIRECT) request the redemption of (NOT MORE THAN 20 PERCENT OF) *all or a portion of the shares in the participant's share account record of the person (IN ANY ONE YEAR), but may not (DIRECT) request more than one redemption in any one calendar (MONTH; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE) year. If only a portion of the shares in the participant's share account record is requested to be redeemed the person may request to redeem not less than 20 percent of the shares in any one calendar year and the redemption must be completed in no more than five years. An election is irrevocable except that a participant may request an amendment of the election to redeem all of the person's remaining shares. All re-*

quests under this paragraph are subject to application to and approval of the Hennepin county board, in its sole discretion.

(2) (A PARTICIPANT WHO HAS TERMINATED EMPLOYMENT WITH THE COUNTY OF HENNEPIN ON ACCOUNT OF TOTAL AND PERMANENT DISABILITY SHALL BE ENTITLED TO RECEIVE THE CASH REALIZED ON THE REDEMPTION OF THE SHARES TO THE CREDIT OF THE PARTICIPANT'S SHARE ACCOUNT RECORD OF THE PERSON. THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN SHALL MAKE THE INITIAL DETERMINATION OF WHETHER THE PARTICIPANT IS TOTALLY AND PERMANENTLY DISABLED, BUT ANY AGGRIEVED PARTY MAY COMMENCE AN ACTION IN THE DISTRICT COURT FOR HENNEPIN COUNTY FOR A REVIEW DE NOVO OF THE DECISION OF THE COUNTY BOARD. THE PROCEEDINGS IN DISTRICT COURT SHALL CONFORM TO THE MINNESOTA RULES OF CIVIL PROCEDURE. AN APPEAL MAY BE TAKEN TO THE SUPREME COURT FROM ANY FINAL ORDER OR DECISION OF THE DISTRICT COURT IN THE SAME MANNER AS IN OTHER CIVIL ACTIONS. THE PARTICIPANT MAY DIRECT THE REDEMPTION OF ALL OR A PORTION OF THE SHARES IN THE PARTICIPANT'S SHARE ACCOUNT RECORD OF THE PERSON, BUT IN NO EVENT MAY THE PARTICIPANT DIRECT MORE THAN ONE REDEMPTION IN EACH CALENDAR MONTH. IN THE EVENT THAT THE PERSON BECOMES NO LONGER TOTALLY AND PERMANENTLY DISABLED, THE PERSON SHALL OWE NO RESTITUTION TO THE COUNTY OR ANY FUND FOR A REDEMPTION DIRECTED PURSUANT TO THIS PARAGRAPH.)

(IF ONLY A PORTION OF THE SHARES IN THE PARTICIPANT'S SHARE ACCOUNT RECORD IS ELECTED TO BE REDEEMED, THE DISABLED PERSON MAY DIRECT THE REDEMPTION OF NOT MORE THAN 20 PERCENT OF THE SHARES IN ANY ONE YEAR; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENNEPIN MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE YEAR.)

((3)) In the event of the death of a participant leaving a surviving spouse, the surviving spouse shall be entitled to receive the cash realized on the redemption of all or a portion of the shares in the participant's share account record of the deceased spouse, but in no event may the spouse (DIRECT) *request* more than one redemption in each calendar (MONTH) *year*. If only a portion of the shares in the participant's share account record is (ELECTED) *requested* to be redeemed, the surviving spouse may (DIRECT) *request* the redemption of not (MORE) *less* than 20 percent of the shares in any one *calendar year* (; PROVIDED, HOWEVER, THAT THE BOARD OF COMMISSION-

ERS OF HENNEPIN COUNTY MAY, UPON APPLICATION, IN THEIR SOLE DISCRETION PERMIT GREATER WITHDRAWALS IN ANY ONE YEAR). *Redemption must be completed in no more than five years. An election is irrevocable except that the surviving spouse may request an amendment of the election to redeem all of the participant's remaining shares. All requests under this paragraph are subject to application to and approval of the Hennepin county board, in their sole discretion.* Upon the death of the surviving spouse, any shares remaining in the participant's share account record shall be redeemed by the county of Hennepin and the cash realized therefrom distributed to the estate of the surviving spouse.

((4)) (3) In the event of the death of a participant leaving no surviving spouse, but leaving a minor surviving child or minor surviving children, the guardianship estate of the minor child or the guardianship estates of the minor children shall be entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant. In the event of minor surviving children, the cash realized shall be paid in equal shares to the guardianship estates of the minor surviving children.

((5)) (4) In the event of the death of a participant leaving no surviving spouse and no minor surviving children, the estate of the deceased participant shall be entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant.

((6) A PARTICIPANT WHO HAS TERMINATED EMPLOYMENT WITH THE COUNTY OF HENNEPIN, WHO DOES NOT QUALIFY PURSUANT TO THE PROVISIONS OF PARAGRAPHS (1) THROUGH (5) AND WHO BECAME A PARTICIPANT IN THE HENNEPIN COUNTY SUPPLEMENTAL RETIREMENT PROGRAM PRIOR TO OR AFTER THE EFFECTIVE DATE OF THIS ACT AND WHO PREVIOUSLY HAD NOT REDEEMED ANY SHARES IN THE PROGRAM SHALL BE ENTITLED TO RECEIVE THE TOTAL AMOUNT OF THE CASH REALIZED ON THE REDEMPTION OF ALL SHARES TO THE CREDIT OF THE PARTICIPANT'S SHARE ACCOUNT RECORD.)

Sec. 13. Laws 1983, chapter 100, section 1, is amended to read:

Section 1. [WITHDRAWAL FROM PARTICIPATION.]

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin county employee (CURRENTLY) participating in the Hennepin county supplemental retirement program pursuant to Laws 1982, chapter 450 may (, WITHIN A PERIOD OF 180 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION), *in the event of an unforeseeable emergency*, apply to the county to discontinue participation in the

program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. *Applications are subject to approval of the Hennepin county board of commissioners in its sole discretion. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved.* A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

Sec. 14. Laws 1981, chapter 68, section 42, subdivision 1, is amended to read:

Sec. 42. [THIEF RIVER FALLS POLICE; SURVIVOR BENEFITS.]

Subdivision 1. [BENEFITS.] Notwithstanding Minnesota Statutes, section 423.58, when a service pensioner, disability pensioner, deferred pensioner, or an active member of the Thief River Falls police relief association dies, leaving a surviving spouse, one or more surviving children, or both, the surviving spouse and child or children shall be entitled to a pension or pensions as follows:

(1) To the surviving spouse a pension in an amount not to exceed (\$250) \$300 per month payable for life; provided, however, that if the surviving spouse shall remarry, the pension shall terminate as of the date of remarriage.

(2) To the child or children, until the child reaches the age of 18 years, a monthly benefit in an amount not to exceed \$125 per month. Payments for the benefit of any qualified dependent child under the age of 18 years shall be made to the surviving parent or if none, to the legal guardian of the child. The maximum monthly benefit for any one family shall not exceed \$750. If the member shall die under circumstances which entitle his surviving spouse and dependent children to receive benefits under the workers' compensation law, the amounts so received by them shall not be deducted from the benefits payable under this section.

(3) Pensions payable to a surviving spouse pursuant to paragraph (1) shall be adjusted annually on January 1, 1986, and January 1 of each year thereafter in proportion to salary increases paid to active patrolmen by the city during the preceding calendar year, to a maximum of three and one-half percent in any calendar year. In no event shall the pension of a surviving spouse exceed \$600 per month.

Sec. 15. Laws 1982, chapter 574, section 3, subdivision 9, is amended to read:

Subd. 9. [PREVAILING PAY.] "Prevailing pay" means the monthly basic salary and the maximum holiday pay, multiplied by the maximum percentage of longevity. Monthly basic salary, maximum holiday pay, and the percentage of longevity are determined in accordance with the unit employment contract of the police department in effect from time to time or, in the case of police officers not covered by the unit employment contract, by other contracts in effect from time to time. No pension shall be reduced by reason of the employment of a successor at a lower prevailing pay. In the case of police officers who are required to accept a position of lower rank prior to their retirement, the pension shall be based on the prevailing pay of the higher rank.

Sec. 16. Laws 1982, chapter 574, section 5, is amended to read:

Sec. 5. [VIRGINIA POLICE; BENEFIT CHANGES FOR PARTICIPANTS.]

If the bylaws so authorize, the following changes shall be effective:

(a) The service pension payable to persons who retired from the police department on or before January 12, 1966, shall be supplemented by (\$50) \$100 per month.

(b) For any participant who terminated employment after 20 or more years of service, the amount of the monthly service pension payable after the participant has attained the age of at least 50 years shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to termination of service, or to the rank and position most analogous thereto, payable by the police department in each month during which the retired participant receives a service pension.

(c) The amount of a monthly disability pension shall be equal to one-half of the prevailing pay of a police officer of the rank and position held by the participant for a period of at least six months prior to his or her disability or the rank and position most analogous thereto, payable by the police department in each month during the period of the participant's disability, subject to any integration of benefits.

(d) The benefit paid to the surviving spouse of a participant who died on or before January 11, 1967, shall be increased by (\$25) \$50 per month, until the surviving spouse's death or remarriage.

(e) The benefit paid to a surviving child shall be increased to \$50 per child per month, subject to any limitation placed on the total amount of survivor's benefits.

Sec. 17. Laws 1984, chapter 564, section 48, is amended to read:

Sec. 48. [(ANNUAL APPROPRIATION) SUPPLEMENTARY AMORTIZATION STATE AID.]

There is appropriated and transferred from the general fund to the commissioner of finance, \$1,000,000 annually for distribution among those (LOCAL POLICE AND SALARIED FIREFIGHTERS RELIEF ASSOCIATIONS) *municipalities* that receive amortization state aid according to Minnesota Statutes, section 423A.02. Distribution shall be made according to that proportion the unfunded accrued liability of each relief association bears to the total unfunded accrued liabilities of all relief associations as reported in the (MOST RECENT) *December 31, 1983*, actuarial valuations of the relief associations that receive amortization state aid according to section 423A.02. Moneys shall be distributed (TO THE RELIEF ASSOCIATIONS) at the same time fire and police department state aid is distributed according to section 69.021.

Sec. 18. Laws 1984, chapter 574, section 18, is amended to read:

Sec. 18. [BUHL POLICE RETIREMENT BENEFITS.]

Notwithstanding the limitation contained in Minnesota Statutes, section 423.55 or any other law, the bylaws of the Buhl police relief association may be amended to provide for the payment of (A) *an annual* service pension equal to (65) 85 percent of the (MONTHLY) base pay of a member (AT) *for the 12-month period immediately preceding* the time of retirement from the police department. All other provisions of section 423.55 shall apply to the extent not inconsistent with this section.

In addition, the bylaws of the Buhl police relief association may be amended to provide for the recalculation of the service pension payable to a current retiree. The increased service pension may be equal to 85 percent of the total pay of the retired member for the 12-month period immediately preceding the time of retirement from the police department.

Sec. 19. [EVELETH POLICE AND FIREFIGHTERS; BENEFIT INCREASE.]

Notwithstanding any general or special law to the contrary, in addition to other benefits payable, retirement benefits payable to retired police officers and firefighters and the surviving spouses thereof by the Eveleth police and fire trust fund may

be increased by \$25 per month. Increases may be made retroactive to January 1, 1985.

Sec. 20. [NEW ULM POLICE RELIEF ASSOCIATION.]

Subdivision 1. [BENEFIT INCREASE FOR RETIREES.] The New Ulm police relief association is authorized to pay any retired member of the association a supplemental benefit of \$80 per month from the date the retired member is eligible to receive benefits from the association until the member reaches the age of 65 years. This benefit shall be available to only those members retiring after the effective date of this section.

Subd. 2. [FINANCING.] The cost of the additional benefit provided by subdivision 1 will be paid by a 0.75 percent increase in the payroll deduction of the covered payroll of members of the New Ulm police relief association. Any cost of the additional retirement benefits not covered by the increase in payroll deduction shall be reimbursed to the association by the city of New Ulm.

Sec. 21. [STEVENS COUNTY MEMORIAL HOSPITAL EMPLOYEES.]

Subdivision 1. [REFUND OF CONTRIBUTIONS.] A member of the public employees retirement association who was employed by the Stevens county memorial hospital on the date the hospital was taken over by a private corporation or organization shall be paid a refund of accumulated employee and employer contributions made by or on behalf of the employee to the association, plus interest thereon at the rate of six percent per annum. If an employee has previously received a refund of employee contributions, only the employer contributions plus the total interest shall be refunded. No employer additional contributions are to be refunded.

Subd. 2. [DEFERRED ANNUITY.] If an employee described in subdivision 1 had at least five years of allowable service credit, the employee may elect to receive, in lieu of the refund, a deferred annuity pursuant to Minnesota Statutes, section 353.34, subdivision 3, notwithstanding the length of service requirements contained therein. An employee eligible for a deferred annuity who has previously received a refund of employee contributions may reinstate his or her eligibility for a deferred annuity by repaying the amount refunded, including any interest received, to the association.

Subd. 3. [DEADLINE.] Refunds shall be paid or options exercised and repayments of refunds made prior to July 1, 1986.

Sec. 22. [CITY OF ST. PAUL MODEL CITIES HEALTH CENTER PROJECT EMPLOYEES.]

Subdivision 1. [REFUND OF CONTRIBUTIONS.] *A member of the public employees retirement association who is employed by the city of St. Paul and assigned to the model cities health center project on the date the project is taken over by a private corporation or organization must, upon the employee's request, be paid a refund of accumulated employee and employer contributions made by or on behalf of the employee to the association, plus interest at the rate of six percent per year. If an employee has previously received a refund of employee contributions, only the employer contributions plus the total interest may be refunded. No employer additional contributions are to be refunded.*

Subd. 2. [DEFERRED ANNUITY.] *If an employee described in subdivision 1 had at least five years of allowable service credit, the employee may elect to receive, instead of the refund, a deferred annuity under Minnesota Statutes, section 353.34, subdivision 3, notwithstanding the length of service requirements contained in that subdivision. An employee eligible for a deferred annuity who has previously received a refund of employee contributions may reinstate his or her eligibility for a deferred annuity by repaying the amount refunded, including any interest received, to the association.*

Subd. 3. [DEADLINE.] *Refunds must be paid or options exercised and repayments of refunds made within one year of the date the model cities health center project is taken over by a private corporation or organization.*

Sec. 23. [OWATONNA CITY HOSPITAL.]

Refunds authorized by Laws 1984, chapter 574, section 31, may be paid prior to July 1, 1985.

Sec. 24. [TEMPORARY PROVISION; COUNTY HISTORICAL SOCIETY EMPLOYEES.]

Section 3 applies to county historical society employees first employed on or after July 1, 1985. Employees first employed prior to July 1, 1985, may elect membership effective commencing on that date by filing notice of their election with the board of trustees of the association prior to September 1, 1985. Elected coverage shall not be retroactive for service prior to July 1, 1985, and no purchase of prior service credit shall be allowed.

Sec. 25. [MOORHEAD POLICE AND FIREFIGHTERS; RETIREMENT COVERAGE FOR ACTIVE MEMBERS.]

Subdivision 1. [TRANSFER OF COVERAGE.] *Notwithstanding any other law, deferred recipients or active police officers and firefighters employed by the police and fire departments of the city of Moorhead on the effective date of sections*

25 to 31 who receive their pension and retirement coverage from either the Moorhead police or firefighters relief association cease to be members of their respective association, and cease to accrue service credits, rights, or benefits from their respective relief association on August 1, 1985. On August 1, 1985, active police officers and firefighters employed by the city of Moorhead who meet the requirements of Minnesota Statutes, section 353.64, become members of the public employees police and fire fund established pursuant to Minnesota Statutes, sections 353.63 to 353.68. Their service before August 1, 1985, as police officers and firefighters with the city of Moorhead must be credited as allowable service by the public employees police and fire fund for purposes of Minnesota Statutes, section 353.01, subdivision 16.

Subd. 2. [CALCULATION OF LIABILITY.] *The liability for service before August 1, 1985, to be transferred to the police and fire fund must be calculated by the actuary for the police and fire fund based on the following data for each active police officer and firefighter: date of birth, date of entry into service, dates of breaks in service, and salaries for each of the highest five successive years of service. The liability must be calculated as of August 1, 1985, as if each police officer and firefighter were a member of the police and fire fund from the original date of entry into service under the laws governing the police and fire fund on January 1, 1985. The actuary of the police and fire fund shall calculate this liability before the approval of sections 25 to 31 by the city of Moorhead.*

The legislative commission on pensions and retirement must approve the calculations of liabilities upon the recommendation of its actuary. The actuary for the police and fire fund shall furnish documents, data, and materials requested by the commission and its actuary.

The city of Moorhead shall pay a required portion of the calculated liability to the police and fire fund. The required portion shall be an amount equal to the percentage which the assets of the police and fire fund bear to the accrued liability of the fund as determined in the June 30, 1984, valuation of the fund.

The required portion of the liability for the service of the police officers and firefighters before August 1, 1985, must be added to the liability of the police and fire fund. The city of Moorhead shall certify the records upon which the liability calculations are performed and shall amortize the amount of that added liability as provided in section 27, subdivision 2.

Sec. 26. [RETIREMENT COVERAGE FOR CURRENT RECIPIENTS OF BENEFITS.]

Current recipients of retirement benefits, disability benefits, or survivor benefits paid by either relief association shall re-

ceive future benefits from the police and fire fund with future adjustments from the Minnesota postretirement investment fund, called the postretirement fund in sections 27 to 30, pursuant to Minnesota Statutes, section 11A.18.

The relief association shall obtain estimates of reserves for current or deferred benefit recipients from the actuary of the police and fire fund. The estimates must be of the reserves necessary to support a benefit in an amount equal to that received by each recipient in July 1985, plus future adjustments from the postretirement fund, assuming the recipient was retiring at his or her attained age as of July 31, 1985, from the police and fire fund on that date. The calculation must be made using the interest assumption of the postretirement fund and the applicable police and fire fund mortality table. For recipients with eligible spouses, the reserves must include the right of the spouse to receive a surviving spouse benefit as provided by the laws and the bylaws governing the relief association as of January 1, 1985.

The relief association shall compile a list of recipients to receive future benefit adjustments from the postretirement fund, called the postfund recipients and the corresponding required reserves for those recipients. The relief association shall provide the board of the public employees retirement association with the list so that the board can pay the August 1985 payments.

The accrued liability as of July 31, 1985, for all postfund recipients must be added to the liability of the police and fire fund and ceases to be the liability of each relief association. The police and fire fund shall transfer the required reserves for the postfund recipients to the postretirement fund by July 31, 1985.

The required reserves for the January 1, 1986, increase determined using the interest assumption of the postretirement fund and the applicable police and fire fund mortality table shall be transferred by the police and fire fund to the postretirement fund on January 1, 1986. If any assets remain in either the Moorhead police relief association or in the special fund of the Moorhead firefighters relief association after the transfer of assets for the postfund recipients, those assets must be transferred to the public employees retirement association to reduce the unfunded accrued liability resulting from transfer of the liability of the active employees. If the assets transferred for the postfund recipients are insufficient, the city shall finance the remaining unfunded accrued liability as provided in section 27, subdivision 3.

Future adjustments, pursuant to Minnesota Statutes, section 11A.18, must be calculated on the annuity or benefit amount payable by either relief association in July 1985. For the purposes of determining and paying the January 1, 1986, adjust-

ment from the postretirement fund, the adjustment must be calculated as though June 30, 1984, were the effective date of retirement for each postfund recipient.

Sec. 27. [FINANCIAL REQUIREMENTS FOR CITY OF MOORHEAD.]

Subdivision 1. [RECEIPT OF STATE AID.] Amortization state aid, fire state aid, or other money received by the city for pension purposes must be allocated by the city among the financial requirements of this section.

Subd. 2. [FINANCIAL REQUIREMENTS OF POLICE AND FIRE FUND MEMBERS.] The city of Moorhead shall make the employer contribution to the police and fire fund on behalf of all active police officers and firefighters employed by the police and fire departments as required in Minnesota Statutes, section 353.65, subdivision 3.

In addition, the city shall make an additional contribution to the police and fire fund to amortize the unfunded accrued liability incurred by the police and fire fund as a result of the crediting of service before August 1, 1985. The additional contribution must be the level annual dollar amount that is required to amortize by the year 2010 the unfunded accrued liability incurred as a result of the consolidation, using an interest assumption of eight percent. The additional contribution is payable at the beginning of each fiscal year, commencing July 1, 1986. Upon request of the city of Moorhead, the board may permit the city to make payments according to a different schedule.

Subd. 3. [FINANCIAL REQUIREMENTS FOR POST-FUND RECIPIENTS.] The city of Moorhead shall amortize the unfunded accrued liability incurred by the police and fire fund as a result of the transfer of reserves by the police and fire fund to the postretirement fund for the postfund recipients. That liability, if any, calculated by the police and fire fund actuary as provided in section 26, must be amortized and paid in the same manner as the unfunded liability incurred as a result of the consolidation, as provided in subdivision 2, except that the amortization period must be equal to the average life expectancy of the postfund recipients as of August 1, 1985. The actuary of the police and fire fund shall determine the period of amortization based on the mortality tables applicable to the police and fire fund.

Subd. 4. [LEVY AUTHORITY.] The city of Moorhead shall levy to provide for the financial requirements of subdivisions 2 and 3. Notwithstanding any other law, any levy required to provide the necessary financing is not included in any limitation as to rate or amount set by charter and is a special levy for purposes of Minnesota Statutes, section 275.50, subdivision 5, clause (o).

Sec. 28. [TERMINATION OF RELIEF ASSOCIATIONS.]

Subdivision 1. [TRANSFER OF ASSETS.] All assets of the special fund of the Moorhead firefighters relief association and all assets of the Moorhead police relief association must be transferred to the public employees retirement association as provided in section 26. The transfer of assets must include any accounts receivable, regardless of source. Accounts payable on August 1, 1985, must also be transferred to the public employees retirement association. The public employees retirement association is the successor in interest with respect to all claims by or against either relief association or the city of Moorhead arising from operation of the relief association, except (1) any claim against either relief association or any person connected with it in a fiduciary capacity, based on any acts by that person which were not performed in good faith and which constituted a breach of the person's obligation as a fiduciary, or (2) any judicial proceeding arising from the passage of sections 25 to 31. As a successor in interest, the public employees retirement association may assert any applicable defense in any judicial proceeding which either relief association or the city of Moorhead would otherwise have been entitled to assert.

Subd. 2. [TRANSFER OF RECORDS.] Before August 1, 1985, or as soon as possible, each relief association shall transfer to the police and fire fund original copies of all records and documents in its possession relating to the relief association and any of its members. The city of Moorhead shall provide from time to time whatever additional relevant information the board may request.

Subd. 3. [TERMINATION OF SPECIAL FUND.] Upon the transfer of the assets, liabilities, and records of the Moorhead firefighters relief association to the public employees retirement association, the Moorhead firefighters are no longer authorized to retain a special fund within their relief association, and the special fund ceases to exist as a legal entity. Firefighters employed by the Moorhead fire department may retain the name "Moorhead firefighters relief association" as the name of their general fund.

Subd. 4. [TERMINATION OF RELIEF ASSOCIATION.] Upon the transfer of the assets, liabilities, and records of the Moorhead police relief association to the public employees retirement association, the Moorhead police relief association ceases to exist as a legal entity.

Sec. 29. [REVIEW OF PORTFOLIO BY STATE BOARD OF INVESTMENT.]

Before the transfer of assets to the public employees retirement association, the state board of investment may review the existing portfolio of the relief associations and require the liquidation of any assets deemed inappropriate for transfer. All assets must be transferred at market value.

Sec. 30. [SAVING CLAUSE.]

Notwithstanding any other law, any person receiving a benefit from either relief association on or before the effective date of sections 25 to 31, who is working for a state or local unit of government on that date, and who has retirement coverage for that employment from either the Minnesota state retirement system or the public employees retirement association retains benefits accrued for that employment and is entitled to accrue future benefits for it despite the transfer of service credit for service as a Moorhead police officer or firefighter to the police and fire fund.

Sec. 31. [REPEALER OF MOORHEAD SPECIAL LAWS.]

Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18, are repealed.

Sec. 32. Laws 1969, chapter 576, section 3, subdivision 1, is amended to read:

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

Sec. 33. Laws 1969, chapter 576, section 4, subdivision 1, is amended to read:

Sec. 4. Subdivision 1. In lieu of the disability pension and limitations provided for in Minnesota Statutes, Section 424.20,

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

Sec. 34. [BYLAW AMENDMENT.]

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

Sec. 35. [VESTED RIGHTS.]

No provision of sections 32 to 35 shall be construed as reducing or impairing benefits for members vested prior to the effective date of sections 32 to 35.

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

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

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

Sec. 36. [ALBERT LEA POLICE AND FIREFIGHTERS; REINSTATEMENT OF SURVIVORS' BENEFITS.]

Notwithstanding any law to the contrary, the Albert Lea police and firefighters relief associations are entitled to amend their bylaws to provide for the reinstatement of benefits to a surviving spouse who had remarried. The surviving spouse benefit may be

reinstated upon application following termination of the remarriage for any reason. The reapplying person shall not be entitled to retroactive payments prior to the time of reapplication.

Sec. 37. Laws 1965, chapter 592, section 4, as added by Laws 1969, chapter 644, section 2, and amended by Laws 1975, chapter 229, section 3, is amended to read:

Sec. 4. [SURVIVORS' AND FUNERAL BENEFITS.] The association may pay survivors benefits to the surviving spouse and children under 18 years of age of deceased members of the association and funeral benefits in the manner and amounts prescribed by its bylaws, subject to the provisions of this section, or as provided in Minnesota Statutes, chapter 424A. The (WIDOW) surviving spouse or estate of a member who dies (BEFORE HIS RETIREMENT FROM THE FIRE DEPARTMENT SHALL) may receive a funeral benefit of (NOT TO EXCEED) at least \$1,350 payable in a lump sum upon the member's death (AND MONTHLY PAYMENTS OF \$135 FROM THE DEATH OF THE MEMBER UNTIL THE WIDOW'S DEATH OR REMARRIAGE). The (WIDOW) surviving spouse of a member who dies either before or following (HIS) retirement from the fire department shall receive monthly payments of (NOT TO EXCEED) at least \$135 from the death of the member until the (WIDOW'S) surviving spouse's death or remarriage. Each child of a deceased member of the association shall receive monthly payments from the death of the member until the child attains 18 years of age in the amount of (NOT TO EXCEED) at least \$27 per month. The total amount paid to the children of any member shall not exceed (\$135 PER MONTH) five times the monthly amount payable to one child.

Sec. 38. [EFFECTIVE DATE.]

Sections 2, 4 to 10, 17, 21 to 23, and 32 are effective the day following final enactment. Section 10 is retroactive to January 1, 1985. Section 1 is effective May 31, 1985. Sections 3 and 24 are effective July 1, 1985. Sections 4 and 5 are effective January 1, 1986. Sections 11 to 13 are effective on approval by the Hennepin county board. Section 14 is effective retroactive to January 1, 1985, on approval by the Thief River Falls city council. Sections 15 and 16 are effective retroactive to January 1, 1985, on approval by the Virginia city council. Section 18 is effective on approval by the Buhl city council. Section 19 is effective retroactive to January 1, 1985, on approval by the Eveleth city council. Section 20 is effective on approval by the New Ulm city council. Sections 25 to 31 are effective on approval by the Moorhead city council. Sections 32 to 35 are effective on approval by the St. Louis Park city council. Section 36 is effective on approval by the Albert Lea city council. All local approvals must comply with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; public plans generally; amending Minnesota Statutes 1984, sections 69.011, subdivision 1; 69.26; 353.01, subdivision 2a; 353.34, by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1965, chapter 592, section 4, as amended; Laws 1969, chapters 576, sections 3, subdivision 1; and 4, subdivision 1; 950, sections 1, subdivision 1, as amended; and 4, as amended; Laws 1981, chapter 68, section 42, subdivision 1; Laws 1982, chapter 574, sections 3, subdivision 9; and 5; Laws 1983, chapter 100, section 1; and Laws 1984, chapters 564, section 48; and 574, section 18; proposing coding for new law in Minnesota Statutes, chapter 423A; repealing Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27 to 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18."

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

House Conferees: LINDA SCHEID, GERALD C. KNICKERBOCKER, GIL GUTKNECHT, STEVE SVIGGUM and JOHN SARNA.

Senate Conferees: LAWRENCE J. POGEMILLER, DARRIL WEGSCHEID, EARL W. RENNEKE, ALLAN H. SPEAR and DONALD M. MOE.

Scheid moved that the report of the Conference Committee on H. F. No. 729 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 264, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 264 be further amended as follows:

Delete everything after the enacting clause and insert:

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

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the dog identified in one of the following ways:

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

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

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

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

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

Sec. 2. [346.51] [BITES.]

An owner or custodian of a dog which does not have an appropriate anti-rabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 4.

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

Sections 1 to 5 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

Sec. 4. [346.53] [PENALTIES.]

Violation of sections 1 and 2 is a petty misdemeanor.

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

Animal shelter personnel who receive animals shall check for identification on each animal, identify the owner by the iden-

tification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means.

Sec. 6. Minnesota Statutes 1984, section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]

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

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

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

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

(4) *By negligently or intentionally permitting any animal, known by (HIM) the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to (GO AT LARGE) run uncontrolled off the owner's premises, or negligently failing to keep it properly confined (, AND THE VICTIM WAS NOT AT FAULT).*

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

Sec. 7. [609.226] [HARM CAUSED BY A DOG.]

A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a petty misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor.

If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under this section that the victim provoked the dog to cause the victim's bodily harm.

Sec. 8. [609.227] [DANGEROUS ANIMALS DESTROYED.]

When a person has been convicted of a crime under section 609.205, clause (4), or of a gross misdemeanor violation of section 7, the court may order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and killed in a proper and humane manner. The owner of the animal shall pay the cost of killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1985. Sections 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 5, delete "dogs" and insert "animals"

Page 1, line 6, delete "destruction" and insert "killing"

Page 1, line 8, delete "609.25" and insert "609.205"

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

House Conferees: JIM HEAP, GIL GUTKNECHT and RANDY C. KELLY.

Senate Conferees: JIM RAMSTAD, GENE MERRIAM and ERIC D. PETTY.

Heap moved that the report of the Conference Committee on H. F. No. 264 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

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.

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

There were 87 yeas and 32 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|------------|-------------------|
| Anderson, G. | Ellingson | Long | Pappas | Simoneau |
| Backlund | Frederickson | Marsh | Pauly | Skoglund |
| Battaglia | Greenfield | McDonald | Peterson | Solberg |
| Beard | Gutknecht | McEachern | Piper | Stanisus |
| Begich | Halberg | Metzen | Price | Staten |
| Bennett | Haukoos | Minne | Quinn | Tjornhom |
| Bishop | Heap | Munger | Rees | Tomlinson |
| Blatz | Jacobs | Murphy | Rest | Tunheim |
| Boo | Jaros | Nelson, D. | Rice | Valento |
| Brandl | Johnson | Nelson, K. | Riveness | Vanasek |
| Brown | Kahn | Neuenschwander | Rodosovich | Vellenga |
| Burger | Kelly | Norton | Rose | Voss |
| Carlson, L. | Knickerbocker | O'Connor | Sarna | Welle |
| Clark | Knuth | Olsen, S. | Scheid | Wynia |
| Clausnitzer | Kostohryz | Onnen | Seaberg | Spk. Jennings, D. |
| Cohen | Krueger | Osthoff | Segal | |
| Dimler | Levi | Otis | Shaver | |
| Elioff | Lieder | Ozment | Sherman | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|-------------|------------|---------|
| Becklin | Frederick | Ogren | Schafer | Uphus |
| Brinkman | Frerichs | Olson, E. | Schoenfeld | Waltman |
| Carlson, D. | Hartle | Omann | Sparby | Wenzel |
| DenOuden | Kalis | Poppenhagen | Sviggum | Zaffke |
| Dyke | Kiffmeyer | Quist | Thiede | |
| Erickson | McPherson | Redalen | Thorson | |
| Fjoslien | Miller | Richter | Tompkins | |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 848

A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; providing a training program for child protection workers and requiring a new job classification in child protection; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.

May 17, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 848, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 848 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 260.011, subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated neglected or dependent and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; *to provide judicial procedures which protect the welfare of the child*; to preserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety cannot be adequately safeguarded without removal; and, when the child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 2. Minnesota Statutes 1984, section 260.133, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte

temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:

(1) restraining any party from committing acts of domestic child abuse; or

(2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:

(1) the order is in the best interests of the child or children remaining in the dwelling; and

(2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party (; AND)

((3) THE LOCAL WELFARE AGENCY HAS DEVELOPED A PLAN TO PROVIDE APPROPRIATE SOCIAL SERVICES TO THE REMAINING FAMILY OR HOUSEHOLD MEMBERS)).

Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present that appropriate social services will be provided to the family or household members during the effective period of the order.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 3. Minnesota Statutes 1984, section 260.135, subdivision 1, is amended to read:

Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. *The court shall give docket priority to any dependency, neglect, neglected and in foster care,*

or delinquency petition that contains allegations of child abuse over any other case except those delinquency matters where a child is being held in a secure detention facility. As used in this subdivision, "child abuse" has the meaning given it in section 22, subdivision 2.

Sec. 4. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any dependency, neglect, or neglected and in foster care proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.

Sec. 5. Minnesota Statutes 1984, section 260.156, is amended to read:

260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]

An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

(a) The court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) The proponent of the statement notifies other parties of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

Sec. 6. Minnesota Statutes 1984, section 260.171, subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a secure detention

facility or a shelter care facility, he shall advise the child and as soon as possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a secure detention facility or a shelter care facility; and

(b) of the location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone his parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5 at a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(g) of the date, time, and place of the detention hearing; and

(h) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a dependency, neglect, neglected and in foster care, or termination of parental rights matter.

Sec. 7. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

Subd. 2a. [PARENTAL VISITATION.] If a child has been taken into custody under section 260.135, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and the court determines that the child should continue in detention, the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the shelter care facility unless it finds that visitation would endanger the child's physical or emotional well-being.

Sec. 8. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

Subd. 2b. [MENTAL HEALTH TREATMENT.] (a) Except as provided in paragraph (b), a child who is held in detention because he or she is alleged to be a victim of child abuse as defined in section 22, subdivision 2, may not be given mental health treatment specifically for the effects of the alleged abuse until the court finds that there is probable cause to believe the abuse has occurred.

(b) A child described in paragraph (a) may be given mental health treatment prior to a probable cause finding of child abuse if the treatment is either agreed to by the child's parent or guardian in writing, or ordered by the court according to the standard contained in section 260.191, subdivision 1.

Sec. 9. Minnesota Statutes 1984, section 260.172, subdivision 4, is amended to read:

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, the court or referee shall informally review the child's case file to determine, under the standards provided by subdivision 1, whether detention should be continued. If detention is continued thereafter, informal reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.

A hearing, rather than an informal review of the child's case file, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention.

In addition, if a child was taken into detention under section 260.135, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and is held in detention under a court order issued under subdivision 2, the court shall schedule and hold an adjudicatory hearing on the petition within 60 days of the detention hearing upon the request of any party to the proceeding unless good cause is shown by a party to the proceeding why the hearing should not be held within that time period.

Sec. 10. Minnesota Statutes 1984, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] If the court finds that the child is neglected, dependent, or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) Place the child under the protective supervision of the county welfare board or child placing agency in his own home under conditions prescribed by the court directed to the correction of the neglect or dependency of the child;

(b) Transfer legal custody to one of the following:

(1) a child placing agency; or

(2) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3;

(c) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided. *If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests.*

Sec. 11. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being.

Sec. 12. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 2a. [SERVICE OF ORDER.] Any person who provides services to a child under a disposition order, or who is sub-

ject to the conditions of a disposition order shall be served with a copy of the order in the manner provided in the rules for juvenile courts.

Sec. 13. Minnesota Statutes 1984, section 595.02, subdivision 3, is amended to read:

Subd. 3. [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.] An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or *any act of physical abuse of the child* by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence if:

(a) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) the child either:

(i) testifies at the proceedings; or

(ii) is unavailable as a witness and there is corroborative evidence of the act; and

(c) the proponent of the statement notifies the adverse party of his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which he intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.

Sec. 14. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 15. [SIGNIFICANT RELATIONSHIP.] "*Significant relationship*" means a situation in which the actor is:

(1) the complainant's parent, stepparent, or guardian;

(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Sec. 15. Minnesota Statutes 1984, section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the first degree (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,) if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (OR)

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; (OR)

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) The actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) The actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(iii) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(iv) the complainant suffered personal injury; or

(v) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years or to a payment of a fine of not more than \$35,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a treatment program.

Sec. 16. Minnesota Statutes 1984, section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the second degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$30,000, OR BOTH,) if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; (OR)

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; (OR)

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; (OR)

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) *The actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(h) *The actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the contact;*

(ii) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

(iii) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to a payment of a fine of not more than \$30,000, or both.*

Subd. 3. [STAY.] *Except when imprisonment is required under section 609.346, if a person is convicted under subdivision*

1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation;

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender complete a treatment program.

Sec. 17. Minnesota Statutes 1984, section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the third degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN TEN YEARS, OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH,) if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; (OR)

(c) The actor uses force or coercion to accomplish the penetration; (OR)

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) *The actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(g) *The actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the penetration;*

(ii) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

(iii) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a payment of a fine of not more than \$20,000, or both.*

Subd. 3. [STAY.] *Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:*

(a) *a stay is in the best interest of the complainant or the family unit; and*

(b) *a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.*

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse; and*
- (2) a requirement that the offender complete a treatment program.*

Sec. 18. Minnesota Statutes 1984, section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the fourth degree (AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH,) if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced; (OR)

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older; (OR)

(c) The actor uses force or coercion to accomplish the sexual contact; (OR)

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; (OR)

(e) The complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) *The actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(g) *The actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:*

(i) *the actor or an accomplice used force or coercion to accomplish the contact;*

(ii) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

(iii) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(iv) *the complainant suffered personal injury; or*

(v) *the sexual abuse involved multiple acts committed over an extended period of time.*

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] *A person convicted under subdivision 1 may be sentenced to imprisonment for not more than five years or to a payment of a fine of not more than \$10,000, or both.*

Subd. 3. [STAY.] *Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:*

(a) *a stay is in the best interest of the complainant or the family unit; and*

(b) *a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.*

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) *incarceration in a local jail or workhouse; and*

(2) *a requirement that the offender complete a treatment program.*

Sec. 19. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. *In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of 10 who is the alleged victim of abuse or neglect.* An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon assessment or investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or

county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 20. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 11a. [DISCLOSURE OF INFORMATION NOT REQUIRED IN CERTAIN CASES.] When interviewing a minor under subdivision 10, an individual does not include the parent or guardian of the minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged perpetrator of the abuse or neglect.

Sec. 21. [626.559] [INTERVIEWS WITH CHILD ABUSE VICTIMS.]

Subdivision 1. [POLICY.] It is the policy of this state to encourage adequate and accurate documentation of the number and content of interviews conducted with alleged child abuse victims during the course of a child abuse assessment, criminal investigation, or prosecution, and to discourage interviews that are unnecessary, duplicative, or otherwise not in the best interests of the child.

Subd. 2. [DEFINITIONS.] As used in this section:

(a) "child abuse" means physical or sexual abuse as defined in section 626.556, subdivision 2;

(b) "government employee" means an employee of a state or local agency, and any person acting as an agent of a state or local agency;

(c) "interview" means a statement of an alleged child abuse victim which is given or made to a government employee during the course of a child abuse assessment, criminal investigation, or prosecution; and

(d) "record" means an audio or videotape recording of an interview, or a written record of an interview.

Subd. 3. [RECORD REQUIRED.] Whenever an interview is conducted, the interviewer must make a record of the interview. The record must contain the following information:

(1) the date, time, place, and duration of the interview;

(2) *the identity of the persons present at the interview; and*

(3) *if the record is in writing, a summary of the information obtained during the interview.*

The records shall be maintained by the interviewer in accordance with applicable provisions of section 626.556, subdivision 11 and chapter 13.

Subd. 4. [GUIDELINES ON TAPE RECORDING OF INTERVIEWS.] *Every county attorney's office shall be responsible for developing written guidelines on the tape recording of interviews by government employees who conduct child abuse assessments, criminal investigations, or prosecutions. The guidelines are public data as defined in section 13.02, subdivision 14.*

Sec. 22. Minnesota Statutes 1984, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

Subdivision 1. [ORDER.] The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) *Indictments or complaints for felony, where the defendant is in custody;*

(2) *Indictments or complaints for misdemeanor, where the defendant is in custody;*

(3) *Indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;*

(4) *Indictments or complaints for felony, where the defendant is on bail; and*

((4)) (5) *Indictments or complaints for misdemeanor, where the defendant is on bail.*

After his plea, the defendant shall be entitled to at least four days to prepare for his trial, if he requires it.

Subd. 2. [CHILD ABUSE DEFINED.] *As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, or 617.246, or section 609.224 if the minor victim is a family or household member of the defendant.*

Sec. 23. [631.046] [AUTHORIZING PRESENCE OF PARENT FOR MINOR PROSECUTING WITNESS.]

Notwithstanding any other law, a prosecuting witness under 18 years of age in a case involving child abuse as defined in section 22, subdivision 2, may choose to have in attendance a parent, guardian, or other supportive person, whether or not a witness, at the omnibus hearing or at the trial, during testimony of the prosecuting witness. If the person so chosen is also a prosecuting witness, the prosecution shall present on noticed motion, evidence that the person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness. Upon that showing the court shall grant the request unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony.

Sec. 24. [REPEALER.]

Minnesota Statutes 1984, sections 609.364, 609.3641, 609.3642, 609.3643, and 609.3644, are repealed."

Delete the title and insert:

"A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims and their families; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct" and limiting the discretion of courts to stay sentences of familial sexual abuse defendants; requiring recordkeeping and tape recording guidelines with respect to interviews with child abuse victims; eliminating certain notice requirements; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 595.02, subdivision 3; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11, and by adding a subdivision; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644."

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

House Conferees: KATHLEEN BLATZ, DON VALENTO, ARTHUR W. SEABERG, RANDY C. KELLY and KATHLEEN VELLENGA.

Senate Conferees: EMBER D. REICHGOTT, ERIC D. PETTY, ALLAN H. SPEAR, FRITZ KNAAK and DONALD A. STORM.

Blatz moved that the report of the Conference Committee on H. F. No. 848 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; providing a training program for child protection workers and requiring a new job classification in child protection; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.

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.

Halberg 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. | Cohen | Hartle | Marsh | Omann |
| Backlund | DenOuden | Haukoos | McDonald | Onnen |
| Battaglia | Dimler | Jacobs | McEachern | Osthoff |
| Beard | Dyke | Jaros | McPherson | Otis |
| Becklin | Elioff | Johnson | Matzen | Ozment |
| Begich | Ellingson | Kahn | Minne | Pappas |
| Bennett | Erickson | Kalis | Munger | Pauly |
| Blatz | Fjoslien | Kelly | Murphy | Peterson |
| Brandl | Frederick | Kiffmeyer | Nelson, D. | Piepho |
| Brinkman | Frederickson | Knickerbocker | Nelson, K. | Piper |
| Brown | Frerichs | Knuth | Neuenschwander | Poppenhagen |
| Burger | Greenfield | Kostohryz | Norton | Price |
| Carlson, D. | Gruenes | Krueger | O'Connor | Quinn |
| Carlson, L. | Gutknecht | Levi | Ogren | Quist |
| Clark | Halberg | Lieder | Olsen, S. | Redalen |
| Clausnitzer | Hartinger | Long | Olson, E. | Rees |

| | | | | |
|------------|------------|----------|-----------|-------------------|
| Rest | Scheid | Solberg | Tomlinson | Voss |
| Rice | Schoenfeld | Sparby | Tompkins | Waltman |
| Richter | Seaberg | Stanis | Tunheim | Welle |
| Riveness | Segal | Staten | Uphus | Wenzel |
| Rodosovich | Shaver | Sviggum | Valan | Wynia |
| Rose | Sherman | Thiede | Valento | Zaffke |
| Sarna | Simoneau | Thorson | Vanasek | Spk. Jennings, D. |
| Schafer | Skoglund | Tjornhom | Vellenga | |

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

SPECIAL ORDERS

S. F. No. 930 which was temporarily laid over earlier today was again reported to the House.

The Speaker called Halberg to the Chair.

Carlson, D., moved to amend S. F. No. 930, the unofficial engrossment, as follows:

Page 18, delete lines 23 to 32

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 34, delete "171.21"

The motion prevailed and the amendment was adopted.

S. F. No. 930, A bill for an act relating to public safety; motor vehicles; clarifying penalties for failure to provide security for basic reparation benefits; defining terms; requiring certification procedure to obtain tax-exempt passenger vehicle license plates for unmarked vehicle of law enforcement agency; reducing 2,000-pound weight limitation to three-fourths ton for motor vehicles in certain situations; exempting certain returned motor vehicle registration documents from filing fee; prescribing dissemination of traffic accident information to news media; regulating format of certain license plates; increasing weight of vehicles which may be operated with class "C" driver's license; prescribing filing period for clerk of district court to forward drivers license applications and fees to department of public safety; authorizing commissioner of public safety to promulgate school bus driver qualification rules; authorizing access to certain private vehicle tax information under certain conditions; prescribing fees; amending Minnesota Statutes 1984, sections 65B.67, subdivision 4; 168.011, subdivisions 4, 28, and 29; 168.012, subdivision 1; 168.021, subdivision 1; 168.27, subdivision 11; 168.33, subdivision 7; 169.09, subdivision 13; 169.79; 171.02, subdivision 2; 171.06, subdivision 4; 171.17; 171.321, subdivision 2; and 297B.12.

The bill was read for the 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 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|-------------|-------------------|
| Anderson, G. | Dyke | Johnson | Ozment | Stanis |
| Becklin | Erickson | Kiffmeyer | Pauly | Sviggum |
| Bennett | Fjoslien | Knickerbocker | Piepho | Thiede |
| Bishop | Forsythe | Kvam | Poppenhagen | Thorson |
| Blatz | Frederick | Levi | Quist | Tjornhom |
| Boerboom | Frederickson | Marsh | Redalen | Tompkins |
| Boo | Frerichs | McDonald | Rees | Uphus |
| Burger | Cruenes | McKasy | Richter | Valan |
| Carlson, D. | Gutknecht | McPherson | Rose | Valento |
| Carlson, J. | Halberg | Munger | Schafer | Waltman |
| Clausnitzer | Hartle | Olsen, S. | Schreiber | Wenzel |
| Dempsey | Haukoos | Olson, E. | Seaberg | Spk. Jennings, D. |
| DenOuden | Heap | Omann | Shaver | |
| Dimler | Himle | Onnen | Sherman | |

Those who voted in the negative were:

| | | | | |
|--------------|------------|----------------|------------|-----------|
| Anderson, R. | Greenfield | Metzen | Piper | Solberg |
| Backlund | Hartinger | Miller | Price | Sparby |
| Battaglia | Jacobs | Minne | Quinn | Tomlinson |
| Beard | Jaros | Murphy | Rest | Tunheim |
| Begich | Kahn | Nelson, D. | Rice | Vanasek |
| Brandl | Kalis | Nelson, K. | Riveness | Vellenga |
| Brinkman | Kelly | Neuenschwander | Rodosovich | Voss |
| Brown | Knuth | Norton | Sarna | Weile |
| Carlson, L. | Kostohryz | O'Connor | Scheid | Wynia |
| Clark | Krueger | Ogren | Schoenfeld | |
| Cohen | Long | Otis | Segal | |
| Elioff | McEachern | Pappas | Simoneau | |
| Ellingson | McLaughlin | Peterson | Skoglund | |

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

S. F. No. 19 was reported to the House.

Lieder moved to amend S. F. No. 19, as follows:

Page 1, line 14, delete "*or a y-shaped*"

The motion prevailed and the amendment was adopted.

S. F. No. 19, A bill for an act relating to traffic regulations; regulating traffic at unmarked T-intersections and Y-intersections; amending Minnesota Statutes 1984, section 169.20, subdivision 1.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1175 was reported to the House.

Kiffmeyer moved to amend H. F. No. 1175, the second engrossment, as follows:

Page 2, line 10, change semicolon to colon

Page 2, line 6, delete "such"

Page 7, line 4, add comma after "shall"

Page 7, line 8, delete everything after the semicolon

Page 7, line 8, after the semicolon insert "*and shall immediately secure an independent medical review of the infant's medi-*

cal charts and records and, if necessary, seek a court order for an independent medical examination of the infant. If the review or examination leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under Section 260.131 and by filing an expedited motion to prevent the withholding of medically indicated treatment."

Page 7, delete lines 9, 10 and 11

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for intervention by commissioner of human services after a report of medical neglect;"

Page 1, line 6, after line "2," insert "and"

A roll call was requested and properly seconded.

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

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

There were 103 yeas and 18 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, G. | Elioff | Krueger | Pauly | Stanius |
| Backlund | Ellingson | Kvam | Peterson | Sviggum |
| Battaglia | Erickson | Levi | Piepho | Thiede |
| Beard | Fjoslien | Lieder | Poppenhagen | Thorson |
| Becklin | Forsythe | Marsh | Price | Tjornhom |
| Begich | Frederick | McDonald | Quinn | Tompkins |
| Bennett | Frederickson | McEachern | Quist | Tunheim |
| Blatz | Frerichs | McKasy | Redalen | Uphus |
| Boerboom | Gruenes | McPherson | Rees | Valan |
| Brandl | Gutknecht | Metzen | Rest | Valento |
| Brinkman | Halberg | Miller | Richter | Vanasek |
| Brown | Hartinger | Murphy | Rose | Vellenga |
| Burger | Hartle | Nelson, D. | Sarna | Voss |
| Carlson, D. | Haukoos | Neuenschwander | Schafer | Waltman |
| Carlson, J. | Heap | O'Connor | Scheid | Welle |
| Carlson, L. | Himle | Ogren | Schoenfeld | Wenzel |
| Clausnitzer | Jacobs | Olsen, S. | Schreibler | Wynia |
| Dempsey | Johnson | Omann | Seaberg | Zaffke |
| DenOuden | Kalis | Onnen | Shaver | Spk. Jennings, D. |
| Dimler | Kiffmeyer | Osthoff | Sherman | |
| Dyke | Knickerbocker | Ozment | Sparby | |

Those who voted in the negative were:

| | | | | |
|------------|--------------|------------|--------|-----------|
| Boo | Jennings, L. | McLaughlin | Pappas | Skoglund |
| Cohen | Kahn | Minne | Piper | Staten |
| Greenfield | Kostohryz | Munger | Segal | Tomlinson |
| Jaros | Long | Norton | | |

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 1175, the second engrossment, as amended, as follows:

Page 7, after line 11, insert:

"Subd. 10d. [DUTY TO INFORM.] Upon a finding of medical neglect and a decision that the infant be treated, the court shall issue an order acknowledging the financial burden imposed on the hospital and the family of the infant and requiring the local agency to inform the family of all resources available to alleviate the burden, including but not limited to the following programs: medical assistance, general assistance medical care, the catastrophic health expense protection program, the comprehensive health insurance plan, and the county program for treatment at the University of Minnesota hospitals under chapter 158."

Amend the title as follows:

Page 1, line 5, before the semicolon insert "and to inform families of available resources"

Page 1, line 7, delete "a" and insert "two" and delete "subdivision" and insert "subdivisions"

A roll call was requested and properly seconded.

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

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

There were 31 yeas and 85 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|---------|-----------|
| Beard | Greenfield | McLaughlin | Osthoff | Skoglund |
| Brandl | Jaros | Munger | Pappas | Staten |
| Carlson, L. | Jennings, L. | Nelson, K. | Piper | Tomlinson |
| Clark | Kahn | Norton | Price | Vellenga |
| Cohen | Levi | Ogren | Rest | Welle |
| Ellingson | Long | Olson, E. | Segal | Wynia |
| Forsythe | | | | |

Those who voted in the negative were:

| | | | | |
|--------------|-------------|-----------|--------------|-----------|
| Anderson, G. | Boerboom | DenOuden | Frederickson | Haukoos |
| Anderson, R. | Brinkman | Dimler | Frerichs | Heap |
| Backlund | Brown | Dyke | Gruenes | Himle |
| Battaglia | Burger | Elioff | Gutknecht | Jacobs |
| Begich | Carlson, D. | Erickson | Halberg | Johnson |
| Bennett | Carlson, J. | Fjoslien | Hartinger | Kalis |
| Blatz | Dempsey | Frederick | Hartle | Kiffmeyer |

| | | | | |
|---------------|----------------|------------|-----------|-------------------|
| Knickerbocker | Neuenschwander | Quinn | Schreiber | Tunheim |
| Kostohryz | O'Connor | Quist | Shaver | Uphus |
| Krueger | Olsen, S. | Redalen | Sherman | Valan |
| Lieder | Omann | Rees | Sparby | Valento |
| Marsh | Onnen | Richter | Stanisus | Vanasek |
| McDonald | Ozment | Rodosovich | Sviggum | Voss |
| McEachern | Pauly | Rose | Thiede | Waltman |
| McKasy | Peterson | Sarna | Thorson | Wenzel |
| McPherson | Piepho | Schafer | Tjornhom | Zaffke |
| Miller | Popenhagen | Schoenfeld | Tompkins | Spk. Jennings, D. |

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

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; providing for intervention by commissioner of human services after a report of medical neglect; 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, subdivisions 2, and 10, and 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.

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

There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Greenfield

Jaros

Kahn

McLaughlin

Segal

The bill was passed, as amended, 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 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. 856, A bill for an act relating to taxation; imposing an additional tax on certain interest earned on state or municipal obligations; providing an income tax credit for certain interest paid on those obligations; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

The Senate has appointed as such Committee Messrs. Dahl, Nelson, Merriam, Ms. Berglin and Mr. Petty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 702, A bill for an act relating to human services; requiring notice to the designated agency in certain proceedings pertaining to persons committed as mentally ill and dangerous; authorizing the commissioner to transfer persons committed as mentally ill and dangerous between regional centers under certain circumstances; amending Minnesota Statutes 1984, sections 253B.14; 253B.18, subdivisions 4b, 5, and 6; and 253B.23, subdivision 7.

The Senate has appointed as such Committee Messrs. Diessner, Petty, Knutson, Mrs. Lantry and Ms. Berglin.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

H. F. No. 268, A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; 115B.06, subdivision 1; and 115B.09; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

The Senate has appointed as such Committee Messrs. Merriam; Peterson, C. C., and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

S. F. No. 230, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; establishing different certificate of authorization requirements for corporations that will and will not sell or issue thrift certificates; modifying certain application and examination duties of the department of commerce; providing simplified requirements for the issuance of more than one certificate of authorization to the same corporation; clarifying the right of industrial loan and thrifts to collect certain additional loan charges; exempting certain mortgage purchasers and assignees from licensing as regulated lenders; prohibiting industrial loan and thrifts from using the words "savings and loan" in their corporate names; authorizing regulated lenders to make loans up to ten percent of capital; modifying the licensing provisions governing regulated lenders; providing for changes in business locations of regulated lenders; increasing the minimum default charge that may be charged; providing for the determination of interest; authorizing certain additional loan charges; and providing alternative loan disclosure requirements; providing that certain violations do not impair obligations of a contract; providing penalties; providing for certain dollar adjustments; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, 7, 8, and by adding a subdivision; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.-

131, subdivisions 1 and 4; 56.19, subdivision 4, and by adding a subdivision; and 550.37, subdivision 4a; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

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

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

Blatz 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 Senate on the disagreeing votes of the two houses on S. F. No. 230. The motion prevailed.

Mr. Speaker:

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

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.

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

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

Heap moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 1159. 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. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ozment moved that the House refuse to concur in the Senate amendments to H. F. No. 1070, 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 refuses to concur in the House amendment to:

S. F. No. 1249, A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the licensee for purses; appropriating money; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.14, subdivision 1; 240.15, subdivisions 5 and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Purfeerst, Dieterich and Sieloff.

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

Kostohryz 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. 1249. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1070:

Ozment, Blatz and Knuth.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1227:

Bishop, Blatz and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 472:

Dempsey, Schreiber and Himle.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 230:

Blatz, Metzen and Valan.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1159:

Heap, Marsh, Seaberg, Frerichs and Simoneau.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1249:

Redalen, Kostohryz and Omann.

SPECIAL ORDERS

S. F. No. 565 was reported to the House.

There being no objection S. F. No. 565 was temporarily laid over on Special Orders.

The Speaker resumed the Chair.

H. F. No. 815, A bill for an act relating to elections; authorizing absentee voting by electronic voting system; permitting identifying numbers on certain ballots; amending Minnesota Statutes 1984, sections 203B.08, subdivision 1a; and 206.84, subdivision 3.

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

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

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

There were 32 yeas and 84 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|-----------|-------------|-------------------|
| Anderson, R. | Dimler | Hartle | Piepho | Tompkins |
| Backlund | Dyke | Haukoos | Poppenhagen | Uphus |
| Blatz | Fjoslien | Himle | Rees | Valan |
| Burger | Forsythe | Jacobs | Richter | Spk. Jennings, D. |
| Carlson, J. | Frederick | Levi | Schreiber | |
| Clausnitzer | Frederickson | Olsen, S. | Thiede | |
| Dempsey | Hartinger | Omann | Tjornhom | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|----------------|------------|-----------|
| Anderson, G. | Erickson | McLaughlin | Peterson | Solberg |
| Battaglia | Frerichs | McPherson | Piper | Sparby |
| Beard | Greenfield | Metzen | Price | Stanius |
| Becklin | Gruenes | Minne | Quist | Sviggum |
| Begich | Heap | Munger | Rest | Thorson |
| Bennett | Jaros | Murphy | Rice | Tomlinson |
| Bishop | Jennings, L. | Nelson, D. | Riveness | Tunheim |
| Brandl | Kahn | Nelson, K. | Rodosovich | Valento |
| Brinkman | Kalis | Neuenschwander | Rose | Vanasek |
| Brown | Kelly | Norton | Sarna | Vellenga |
| Carlson, D. | Knuth | O'Connor | Schafer | Voss |
| Carlson, L. | Kostohryz | Ogren | Scheid | Waltman |
| Clark | Krueger | Olson, E. | Schoenfeld | Welle |
| Cohen | Lieder | Osthoff | Seaberg | Wenzel |
| DenOuden | Long | Otis | Segal | Wynia |
| Elioff | Marsh | Ozment | Sherman | Zaffke |
| Ellingson | McEachern | Pappas | Skoglund | |

The bill was not passed.

S. F. No. 565 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 565, A bill for an act relating to animals; prohibiting the use of a decompression chamber to destroy an animal; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 343.

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 107 yeas and 11 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|----------------|-------------|-------------------|
| Anderson, G. | Dyke | Krueger | Osthoff | Segal |
| Anderson, R. | Elioff | Kvam | Otis | Shaver |
| Backlund | Ellingson | Levi | Ozment | Skoglund |
| Battaglia | Fjoslien | Lieder | Pappas | Solberg |
| Beard | Forsythe | Long | Peterson | Stanisus |
| Becklin | Frederick | Marsh | Piepho | Sviggum |
| Begich | Frederickson | McEachern | Piper | Thorson |
| Bennett | Greenfield | McKasy | Poppenhagen | Tjornhom |
| Bishop | Hartinger | McLaughlin | Price | Tomlinson |
| Boo | Hartle | McPherson | Quinn | Tompkins |
| Brandl | Haukoos | Metzen | Rees | Tunheim |
| Brinkman | Heap | Minne | Rest | Valan |
| Brown | Himle | Munger | Rice | Valento |
| Burger | Jacobs | Murphy | Riveness | Vanasek |
| Carlson, D. | Jaros | Nelson, D. | Rodosovich | Vellenga |
| Carlson, J. | Jennings, L. | Nelson, K. | Rose | Welle |
| Carlson, L. | Johnson | Neuenschwander | Sarna | Wenzel |
| Clark | Kalis | Norton | Schafer | Wynia |
| Clausnitzer | Kelly | O'Connor | Scheid | Spk. Jennings, D. |
| Cohen | Kiffmeyer | Ogren | Schoenfeld | |
| Dempsey | Knuth | Olsen, S. | Schreiber | |
| Dimler | Kostohryz | Onnen | Seaberg | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|---------|-------|---------|
| Erickson | Olson, E. | Redalen | Uphus | Waltman |
| Frerichs | Omann | Sparby | Voss | Zaffke |
| Gruenes | | | | |

The bill was passed and its title agreed to.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 242

A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures

directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 242, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 242 be further amended as follows:

Page 3, after line 23, insert:

"Sec. 2. [STUDY; PROTECTION FOR PURCHASERS OF AGRICULTURAL VEHICLES.]

The consumer services unit of the office of the attorney general shall study the need for and applicability of consumer protection legislation for purchasers of farm trucks, farm tractors, and implements of husbandry similar to the protection afforded purchasers of new motor vehicles under Minnesota Statutes, section 325F.665. The results of the study and any recommendations must be submitted to the committee on agriculture in the house and the committee of agriculture and natural resources in the senate by November 1, 1985. The attorney general shall use existing staff and funds to complete the report.

The committees shall make recommendations to the legislature by January 1, 1986."

Page 3, line 25, after the period insert "Section 2 is effective the day following final enactment."

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, after the semicolon insert "requiring a study of protection for purchasers of agricultural vehicles;"

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

House Conferees: TONY BENNETT and MARCUS MARSH.

Senate Conferees: GREGORY L. DAHL and DORAN L. ISACKSON.

Bennett moved that the report of the Conference Committee on H. F. No. 242 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 242, A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

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.

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 213

A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes

1984, sections 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

May 18, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 213, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 213 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 13.46, subdivision 3, is amended to read:

Subd. 3. [INVESTIGATIVE DATA.] Data on persons, including data on vendors of services *and data on licensees*, that is collected, maintained, used, or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential data on individuals pursuant to section 13.02, subdivision 3, or protected non-public data not on individuals pursuant to section 13.02, subdivision 13, and shall not be disclosed except:

- (a) pursuant to section 13.05;
- (b) pursuant to statute or valid court order;
- (c) to a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense; *or*
- (d) *to provide the notices required and permitted by sections 3, 4, and 6.*

The data referred to in this subdivision shall be classified as public data upon its submission to an administrative law judge or court in an administrative or judicial proceeding.

Sec. 2. Minnesota Statutes 1984, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] All data collected, maintained, used, or disseminated by the welfare system pertaining to

persons licensed or registered under the authority of the commissioner of human services, except for personal and personal financial data about applicants and licensees under the family day care program and the family foster care program *and data generated in the course of licensing investigations that are in response to a complaint of a rule or statutory violation*, are public data. Personal and personal financial data on family day care program and family foster care program applicants and licensees are private data pursuant to section 13.02, subdivision 12. *Data generated in the course of licensing investigations that are in response to a complaint of a rule or statutory violation are investigative data pursuant to section 13.46, subdivision 3.*

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

Subd. 10b. [DUTIES OF COMMISSIONER; NEGLECT OR ABUSE IN A FACILITY.] (a) If the report alleges that a child in the care of a facility as defined in subdivision 2 is neglected, physically abused, or sexually abused by an individual in that facility, the commissioner shall immediately investigate. The commissioner shall arrange for the transmittal to him of reports received by local agencies and may delegate to a local welfare agency the duty to investigate reports. In conducting an investigation under this section, the commissioner has the powers and duties specified for local welfare agencies under this section. *The commissioner or local welfare agency may interview any children who are or have been in the care of a facility under investigation and their parents, guardians, or legal custodians.*

(b) *Prior to any interview, the commissioner or local welfare agency shall provide the following information to the parent, guardian, or legal custodian of a child who will be interviewed: the name of the facility; the fact that a report alleging neglect, physical abuse, or sexual abuse of a child in the facility has been received; the nature of the alleged neglect, physical abuse, or sexual abuse; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed. If reasonable efforts to reach the parent, guardian, or legal custodian of a child in an out-of-home placement have failed, the child may be interviewed if there is reason to believe the interview is necessary to protect the child or other children in the facility. The commissioner or local agency must provide the information required in this subdivision to the parent, guardian, or legal custodian of a child interviewed without parental notification as soon as possible after the interview.*

Sec. 4. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 10c. [NOTIFICATION OF NEGLECT OR ABUSE IN A FACILITY.] (a) When a report is received that alleges neglect, physical abuse, or sexual abuse of a child while in the care of a facility required to be licensed pursuant to sections 245.781 to 245.812, the commissioner or local welfare agency investigating the report shall provide the following information to the parent, guardian, or legal custodian of a child alleged to have been neglected, physically abused, or sexually abused: the name of the facility; the fact that a report alleging neglect, physical abuse, or sexual abuse of a child in the facility has been received; the nature of the alleged neglect, physical abuse, or sexual abuse; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

(b) The commissioner or local welfare agency may also provide the information in paragraph (a) to the parent, guardian, or legal custodian of any other child in the facility if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred. In determining whether to exercise this authority, the commissioner or local welfare agency shall consider the seriousness of the alleged neglect, physical abuse, or sexual abuse; the number of children allegedly neglected, physically abused, or sexually abused; the number of alleged perpetrators; and the length of the investigation. The facility shall be notified whenever this discretion is exercised.

(c) When the commissioner or local welfare agency has completed its investigation, every parent, guardian, or legal custodian notified of the investigation by the commissioner or local welfare agency shall be provided with the following information in a written memorandum: the name of the facility investigated; the nature of the alleged neglect, physical abuse, or sexual abuse; the investigator's name; a summary of the investigation findings; a statement whether the report was found to be substantiated, inconclusive, or false; and the protective or corrective measures that are being or will be taken. The memorandum shall be written in a manner that protects the identity of the reporter and the child and shall not contain the name, or to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed during the investigation. The commissioner or local welfare agency shall also provide the written memorandum to the parent, guardian, or legal custodian of each child in the facility if the report is substantiated. The commissioner or local welfare agency may also provide the written memorandum to the parent, guardian, or legal custodian of any other child in the facility if the investigation is inconclusive. The facility shall be notified whenever this discretionary authority is exercised.

Sec. 5. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records *concerning individuals* maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff, *and except as otherwise provided in sections 3 and 4*. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Notwithstanding section 138.163, records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon assessment or investigation a report is found to be (UNSUBSTANTIATED) *false*, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 6. Minnesota Statutes 1984, section 626.557, is amended by adding a subdivision to read:

Subd. 10a. [NOTIFICATION OF NEGLECT OR ABUSE IN A FACILITY.] (a) When a report is received that alleges neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be licensed under section 144A.02 or sections 245.781 to 245.812, the local welfare agency investigating the report shall notify the guardian or conservator of the person of a vulnerable adult under guardianship or conservatorship of the person who is alleged to have been abused or neglected. The local welfare agency shall notify the person, if any, designated to be notified in case of an emergency by a vulnerable adult not under guardianship or conservatorship of the person who is alleged to have been abused or neglected, unless consent is denied by the vulnerable adult. The notice shall contain the following information: the name of the facility; the fact that a report of alleged abuse or neglect of a vulnerable adult in the facility has been received; the nature of the alleged abuse or neglect; that the agency is conducting an investigation; any protective or corrective measures being taken pending the outcome of the investigation; and that a written memorandum will be provided when the investigation is completed.

(b) In a case of alleged neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be licensed under sections 245.781 to 245.812, the local welfare agency may also provide the information in paragraph (a) to the guardian or conservator of the person of any other vulnerable adult in the facility who is under guardianship or conservatorship of the person, to any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, and to the person, if any, designated to be notified in case of an emergency by any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, unless consent is denied by the vulnerable adult, if the investigative agency knows or has reason to believe the alleged neglect, physical abuse, or sexual abuse has occurred.

(c) When the investigation required under subdivision 10 is completed, the local welfare agency shall provide a written memorandum containing the following information to every guardian or conservator of the person or other person notified by the agency of the investigation under paragraph (a) or (b): the name of the facility investigated; the nature of the alleged neglect, physical abuse, or sexual abuse; the investigator's name; a summary of the investigative findings; a statement of whether the report was found to be substantiated, inconclusive, or false; and the protective or corrective measures that are being or will be taken. The memorandum shall be written in a manner that protects the identity of the reporter and the alleged victim and shall not contain the name or, to the extent possible, reveal the identity of the alleged perpetrator or of those interviewed during the investigation.

(d) In a case of neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of a facility required to be li-

censed under sections 245.781 to 245.812, the local welfare agency may also provide the written memorandum to the guardian or conservator of the person of any other vulnerable adult in the facility who is under guardianship or conservatorship of the person, to any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, and to the person, if any, designated to be notified in case of an emergency by any other vulnerable adult in the facility who is not under guardianship or conservatorship of the person, unless consent is denied by the vulnerable adult, if the report is substantiated or if the investigation is inconclusive and the report is a second or subsequent report of neglect, physical abuse, or sexual abuse of a vulnerable adult while in the care of the facility.

(e) In determining whether to exercise the discretionary authority granted under paragraphs (b) and (d), the local welfare agency shall consider the seriousness and extent of the alleged neglect, physical abuse, or sexual abuse and the impact of notification on the residents of the facility. The facility shall be notified whenever this discretion is exercised.

(f) Where federal law specifically prohibits the disclosure of patient identifying information, the local welfare agency shall not provide any notice under paragraph (a) or (b) or any memorandum under paragraph (c) or (d) unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements.

Sec. 7. Minnesota Statutes 1984, section 626.557, subdivision 12, is amended to read:

Subd. 12. [RECORDS.] (a) Each licensing agency shall maintain summary records of reports of (SUSPECTED) *alleged* abuse or neglect and (SUSPECTED) *alleged* violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. As part of these records, the agency shall prepare an investigation memorandum. *Notwithstanding section 13.46, subdivision 3, the investigation memorandum shall be accessible to the public pursuant to section 13.03 and a copy shall be provided to any public agency which referred the matter to the licensing agency for investigation. It shall contain a complete review of the agency's investigation, including but not limited to: the (FACILITY'S) name of any facility investigated; (, IF ANY,) a statement of the nature of the (SUSPECTED) alleged abuse or neglect or other violation of the requirements of this section (,); pertinent information obtained from medical or other records reviewed (,); the investigator's name (,); a summary of the investigation's findings (,); (AND) a statement of (ANY DETERMINATION MADE OR) whether the report was found to be substantiated, inconclusive, or false; and a statement of any action taken by the agency. The investigation memorandum shall be written in a manner which protects the identity of the reporter and of the*

vulnerable adult and may not contain the name or, to the extent possible, the identity of the alleged perpetrator or of those interviewed during the investigation. During the licensing agency's investigation, all data collected pursuant to this section shall be classified as investigative data pursuant to section 13.39. After the licensing agency's investigation is complete, the data on individuals collected and maintained shall be private data on individuals. All data collected pursuant to this section shall be made available to prosecuting authorities and law enforcement officials, local welfare agencies, and licensing agencies investigating the alleged abuse or neglect. Notwithstanding any law to the contrary, the name of the reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

(b) Notwithstanding the provisions of section 138.163:

(1) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, (THE LICENSING AGENCY FINDS) *are found* to be false may be destroyed two years after the finding was made;

(2) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, (THE LICENSING AGENCY FINDS) *are found* to be (UNSUBSTANTIATED) *inconclusive* may be destroyed four years after the finding was made;

(3) All data maintained by licensing agencies, treatment facilities, or other public agencies which relate to reports which, upon investigation, (THE LICENSING AGENCY FINDS) *are found* to be substantiated may be destroyed seven years after the finding was made."

Delete the title and insert:

"A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 13.46, subdivisions 3 and 4; 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision."

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

House Conferees: BRAD STANIUS, KEN NELSON and DON VALENTO.

Senate Conferees: ALLAN H. SPEAR, JIM RAMSTAD and GENE MERRIAM.

Stanis moved that the report of the Conference Committee on H. F. No. 213 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 213, A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

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

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

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

The bill was repassed, as amended by Conference, 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 message was received from the Senate:

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Stumpf, Langseth 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

Rose 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. 719. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 719:

Rose, Sparby and Redalen.

SPECIAL ORDERS

S. F. No. 1118, A bill for an act relating to agriculture; requiring lender's response for an agricultural production input lien be sent to borrowers; providing filing procedure; authorizing rules; amending Minnesota Statutes 1984, sections 514.952, subdivisions 2, 3, 4, and 5; 514.954, subdivision 1; 514.956, subdivision 3, and by adding a subdivision.

The bill was read for the 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 628 was reported to the House.

Rose moved to amend H. F. No. 628, the second engrossment, as follows:

Page 14, line 28, delete "\$3,000,000" and insert "\$2,000,000"

Page 14, line 31, delete "\$10,000,000" and insert "\$6,700,000"

Page 14, line 36, delete "\$2,000,000" and insert "\$1,300,000"

The motion prevailed and the amendment was adopted.

Voss moved to amend H. F. No. 628, the second engrossment, as amended, as follows:

Page 15, line 11, delete "\$5,680,000" and insert "\$3,680,000"

Page 15, line 14, delete "\$9,320,000" and insert "\$6,320,000"

The motion prevailed and the amendment was adopted.

H. F. No. 628, A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, by adding a subdivision; 98.52, by adding a subdivision; 290.431; and 296.421, subdivisions 4 and 5; Laws 1985, chapter 4, section 10; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | |
|--------|-------------|------|
| Brandl | Carlson, J. | Rice |
|--------|-------------|------|

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

S. F. No. 567 was reported to the House.

Halberg moved to amend S. F. No. 567, as follows:

Page 2, line 13, after the first "of" insert "the"

Page 2, line 24, strike "vendor" and insert "seller" in both places

Page 6, line 26, delete "sections 287.02; and" and insert "section"

Page 6, line 27, delete "are" and insert "is"

Page 6, line 29, delete "act" and insert "article"

Delete page 6, line 32 to page 11, line 26

Amend the title as follows:

Page 1, line 11, delete "47.20, subdivision"

Page 1, line 12, delete "15;" and after "3," and insert "and" and delete "and 6,"

Page 1, line 13, delete everything after "subdivisions;"

Page 1, line 14, delete everything before "repealing"

Page 1, line 15, delete "sections 287.02; and" and insert "section"

Page 1, line 16, after "2" delete everything before the period

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 567, as amended, as follows:

Page 11, after line 26, insert:

"ARTICLE 3

Section 1. Minnesota Statutes 1984, section 287.10, is amended to read:

287.10 [PREPAYMENT OF TAX; EVIDENCE; NOTICE.]

No (SUCH) mortgage (, NO) or papers relating to its foreclosure (NOR ANY), assignment, or satisfaction (THEREOF,) shall be recorded or registered unless the tax (SHALL HAVE) has been paid (; NOR SHALL ANY SUCH). No document (,) or any record (THEREOF,) of the mortgage may be received in evidence in any court, or (HAVE ANY VALIDITY AS) is valid notice (OR OTHERWISE; BUT), unless the tax has been paid.

If the tax (BE) was paid, no error in computation or ascertainment of the amount (THEREOF) shall affect the validity of (SUCH) the mortgage or the record or foreclosure (THEREOF). This section does not apply to a mortgage exempt from taxation under section 287.04 or 287.05, subdivision 1.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 10, after "provisions;" insert "clarifying the application of the mortgage registry tax;"

Page 1, line 12, after "15;" insert "287.10;"

The motion prevailed and the amendment was adopted.

S. F. No. 567, A bill for an act relating to real property; changing notice period required for cancellation of contract for deed; designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed; extending the provisions authorizing courts to approve postponements of mortgage foreclosure and contract for deed terminations and making them permanent law in certain cases; abolishing certain exclusionary provisions; clarifying certain provisions; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivisions 3, 4, and 6, and by adding subdivisions; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2; and Laws 1983, chapter 215, section 16, as amended.

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 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 | Bishop | Brown | Clark | Dyke |
| Beard | Blatz | Burger | Clausnitzer | Elioff |

| | | | | |
|--------------|------------|-------------|------------|-------------------|
| Ellingson | Kelly | Nelson, D. | Rest | Thiede |
| Fjoslon | Knuth | Nelson, K. | Rice | Thorson |
| Forsythe | Kostohryz | Norton | Richter | Tjornhom |
| Frederick | Krueger | Ogren | Riveness | Tomlinson |
| Frederickson | Kvam | Olsen, S. | Rodosovich | Tompkins |
| Frerichs | Levi | Olson, E. | Rose | Tunheim |
| Greenfield | Lieder | Omann | Schafer | Valan |
| Gruenes | Long | Onnen | Scheid | Valento |
| Halberg | Marsh | Osthoff | Schoenfeld | Vanasek |
| Hartinger | McDonald | Otis | Seaberg | Vellenga |
| Hartle | McEachern | Ozment | Segal | Voss |
| Haukoos | McKasy | Peterson | Shaver | Wenzel |
| Heap | McLaughlin | Piepho | Sherman | Wynia |
| Himle | McPherson | Piper | Skoglund | Zaffke |
| Jacobs | Metzen | Poppenhagen | Solberg | Spk. Jennings, D. |
| Jaros | Miller | Price | Sparby | |
| Jennings, L. | Minne | Quinn | Stanius | |
| Kahn | Munger | Redalen | Staten | |
| Kalis | Murphy | Rees | Swiggum | |

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

Backlund was excused while in conference.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 315

A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 315, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 315 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 161.14, subdivision 6, is amended to read:

Subd. 6. [VETERANS' EVERGREEN MEMORIAL DRIVE.]

(a) That portion of road No. 185, known as trunk highway No. 23 in St. Louis, Pine and Carlton Counties, is hereby named and designated "*Veterans' Evergreen Memorial Drive*" in memory of (WORLD WAR) veterans of St. Louis, Pine, and Carlton counties.

(b) *The commissioner shall install a bronze plaque with an inscription to read, "In grateful memory of all men and women from Carlton, Pine, and St. Louis Counties who served in World War I, World War II, Korea, Vietnam, and all future conflicts."*

Sec. 2. Minnesota Statutes 1984, section 368.85, subdivision 6, is amended to read:

Subd. 6. [TAX LEVY.] (IT SHALL THEREAFTER BE THE DUTY OF) The town board *shall* annually (TO) *thereafter* levy a tax in (SUCH) an amount as (MAY BE) necessary (BUT NOT EXCEEDING ONE AND TWO-THIRDS MILLS) on (THE DOLLAR OF) the assessed valuation of all property located within (SUCH) *the* special fire protection district to (BE USED FOR THE PURPOSE OF PROVIDING) *provide* fire protection for (SUCH SPECIAL FIRE PROTECTION) *the* district (, BUT THIS LIMIT SHALL NOT APPLY TO A SPECIAL FIRE PROTECTION DISTRICT ABUTTING A CITY OF THE FIRST OR SECOND CLASS, OR FOR THE PAYMENT OF A DEFICIT FROM A PRIOR FIRE CONTRACT). (SUCH) *The* tax, with a certified copy of the resolution establishing the district, shall be certified by the town board to the county auditor who shall (THEREUPON) spread the (AUTHORIZED) tax against the property located within (SUCH SPECIAL FIRE PROTECTION) *the* district (, AND). The (SAME) *tax* shall be collected as other taxes.

Sec. 3. [ROSEVILLE; PORT AUTHORITY.]

The governing body of the city of Roseville may exercise all the powers of a port authority provided by Minnesota Statutes, chapter 458.

Sec. 4. [WHITE BEAR LAKE; PORT AUTHORITY.]

The governing body of the city of White Bear Lake may exercise all the powers of a port authority provided by Minnesota Statutes, chapter 458.

Sec. 5. [DIVISIONS.]

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. "City" means the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker and Waite Park.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision. Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 6 or 7.

Subd. 6. "Land area" means the land area in the district which is subject to property taxation.

Sec. 6. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

(a) the time and place of hearing;

(b) a map showing the boundaries of the proposed district; and

(c) a statement that all persons owning property in the proposed district will be given opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 7. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 6 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant

to this section, the estimated cost of operating and maintaining the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements and the annual cost of operating and maintaining the improvements.

(c) The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.

(d) A statement that the petition requirements of section 12 have either been met or do not apply to the proposed taxes or service charge.

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 8. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 6 and 7. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 12 and the veto power in section 13 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 9. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in

the ordinance. Service charges imposed shall be collected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 10. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations, including certificates of indebtedness, in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 7, or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The amount of any taxes that are required to be levied outside of the territory of the special services district or taken from the general funds of the municipality to pay principal and interest on the obligations shall be reimbursed to the municipality from taxes levied within the special services district. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 11. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 12. [PETITION REQUIRED.]

No action may be taken pursuant to section 6 unless owners of 15 percent or more of the land area of the proposed special service district and owners of 15 percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 7 to impose an ad valorem tax unless owners of 15 percent or more of the land area subject to a proposed tax and owners of 15 percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 7 to impose a service charge unless 15 percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 13. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 14, the effective date of any ordinance or resolution adopted pursuant to sections 6 and 7 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 6. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district or owners of 35 percent of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 6 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax or owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 7 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge

pursuant to section 7 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 14. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 12 and the right of owners and those subject to a service charge to veto a resolution in section 13 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 12 and which has not been vetoed under section 13 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 7 and the notice mailed with the adopted resolution pursuant to section 13 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 15. [LOCAL APPROVAL.]

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

Section 4 is effective for the city of White Bear Lake the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of White Bear Lake.

Sec. 16. [EFFECTIVE DATE.]

Sections 5 to 14 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; granting the city of Roseville and the city of White Bear Lake located in Ramsey county the powers of a port authority; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; amending Minnesota Statutes 1984, sections 161.14, subdivision 6; and 368.85, subdivision 6."

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

House Conferees: LYNN H. BECKLIN, PAUL ANDERS OGREN and DOUGLAS W. CARLSON.

Senate Conferees: BETTY A. ADKINS, FLORIAN CHMIELEWSKI and JIM GUSTAFSON.

Becklin moved that the report of the Conference Committee on H. F. No. 315 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; amending Minnesota Statutes 1984, section 368.85, subdivision 6.

The bill was read for the third time, as amended by Conference, 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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------|----------|-------------|-------------|
| Anderson, G. | Becklin | Blatz | Brown | Clark |
| Anderson, R. | Begich | Boo | Carlson, D. | Clausnitzer |
| Battaglia | Bennett | Brandl | Carlson, J. | Cohen |
| Beard | Bishop | Brinkman | Carlson, L. | DenOuden |

| | | | | |
|--------------|------------|----------------|------------|-------------------|
| Dyke | Kalis | Nelson, D. | Rees | Swiggum |
| Elioff | Kelly | Nelson, K. | Rest | Thiede |
| Ellingson | Kiffmeyer | Neuenschwander | Rice | Thorson |
| Erickson | Knuth | Norton | Richter | Tjornhom |
| Fjoslien | Kostohryz | O'Connor | Riveness | Tomlinson |
| Forsythe | Krueger | Ogren | Rodosovich | Tompkins |
| Frederick | Levi | Olson, E. | Rose | Tunheim |
| Frederickson | Lieder | Omamm | Schafer | Uphus |
| Greenfield | Long | Otis | Scheid | Valan |
| Gruenes | Marsh | Ozment | Schoenfeld | Valento |
| Halberg | McDonald | Pappas | Seaberg | Vanasek |
| Hartinger | McEachern | Peterson | Segal | Vellenga |
| Hartle | McLaughlin | Piepho | Shaver | Voss |
| Haukoos | McPherson | Piper | Sherman | Waltman |
| Heap | Metzen | Poppenhagen | Skoglund | Welle |
| Jacobs | Miller | Price | Solberg | Wenzel |
| Jaros | Minne | Quinn | Sparby | Wynia |
| Jennings, L. | Munger | Quist | Stanius | Zaffke |
| Kahn | Murphy | Redalen | Staten | Spk. Jennings, D. |

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 186

A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 186, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 186 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [245.50] [INTERSTATE CONTRACTS FOR MENTAL HEALTH SERVICES.]

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

(a) "Bordering state" means Iowa, North Dakota, South Dakota, or Wisconsin.

(b) "Agency or facility" means a public or private hospital, mental health center, or other person or organization authorized by a state to provide mental health services.

Subd. 2. [AUTHORITY.] Unless prohibited by another law and subject to the exceptions listed in subdivision 3, a county board may contract with an agency or facility in a bordering state for mental health services for residents of Minnesota, and a Minnesota mental health agency or facility may contract to provide services to residents of bordering states. A person who receives services in another state under this section is subject to the laws of the state in which services are provided. A person who will receive services in another state under this section must be informed of the consequences of receiving services in another state, including the implications of the differences in state laws.

Subd. 3. [EXCEPTIONS.] A contract may not be entered into under this section for services to persons who:

(1) are serving a sentence after conviction of a criminal offense;

(2) are on probation or parole;

(3) are the subject of a presentence investigation;

(4) have been committed involuntarily; or

(5) will be receiving treatment for chemical dependency.

Subd. 4. [CONTRACTS.] Contracts entered into under this section must, at a minimum:

(1) describe the services to be provided;

(2) establish responsibility for the costs of services;

(3) establish responsibility for the costs of transporting individuals receiving services under this section;

(4) specify the duration of the contract;

(5) specify the means of terminating the contract;

(6) specify the terms and conditions for refusal to admit or retain an individual; and

(7) identify the goals to be accomplished by the placement of an individual under this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

House Conferees: TIM SHERMAN, DOMINIC J. ELIOFF and DAVE GRUENES.

Senate Conferees: DON B. SAMUELSON, PATRICIA LOUISE KRONEBUSCH and RONALD R. DICKLICH.

Sherman moved that the report of the Conference Committee on H. F. No. 186 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

2

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.

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

There were 109 yeas and 3 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, G. | Erickson | Long | Pauly | Solberg |
| Anderson, R. | Fjoslien | Marsh | Peterson | Stanius |
| Pattaglia | Forsythe | McDonald | Piepho | Staten |
| Beard | Frederick | McEachern | Piper | Swiggum |
| Begich | Frederickson | McLaughlin | Poppenhagen | Thiede |
| Bennett | Frerichs | McPherson | Price | Thorson |
| Bishop | Gruenes | Metzen | Quinn | Tjornhom |
| Blatz | Halberg | Miller | Quist | Tomlinson |
| Boo | Hartinger | Minne | Redalen | Tompkins |
| Brandl | Haukoos | Munger | Rees | Tunheim |
| Brinkman | Jacobs | Murphy | Rest | Uphus |
| Brown | Jaros | Nelson, D. | Richter | Valan |
| Carlson, D. | Johnson | Nelson, K. | Riveness | Valento |
| Carlson, L. | Kahn | Neuenschwander | Sarna | Vanasek |
| Clark | Kalis | Norton | Schafer | Vellenga |
| Clausnitzer | Kelly | O'Connor | Scheid | Voss |
| Cohen | Knickerbocker | Olson, E. | Schoenfeld | Waltman |
| DenOuden | Knuth | Omann | Seaberg | Wenzel |
| Dimler | Kostohryz | Osthoff | Segal | Wynia |
| Dyke | Krueger | Otis | Shaver | Zaffke |
| Elioff | Levi | Ozment | Sherman | Spk. Jennings, D. |
| Ellingson | Lieder | Pappas | Skoglund | |

Those who voted in the negative were:

Greenfield

Ogren

Rodosovich

The bill was repassed, as amended by Conference, 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 that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 848, A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims and their families; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct" and limiting the discretion of courts to stay sentences of familial sexual abuse defendants; requiring recordkeeping and tape recording guidelines with respect to interviews with child abuse victims; eliminating certain notice requirements; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 595.02, subdivision 3; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11, and by adding a subdivision; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 440, A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

The Senate has appointed as such Committee Messrs. Moe, D. M.; Wegscheid; Pogemiller; Spear and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 83, A bill for an act relating to courts; authorizing the chief judge in Hennepin and Ramsey counties to extend the principal assignment of certain juvenile court judges.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1037, A bill for an act relating to utilities; exempting small, qualifying energy facilities from the certificate of need process; amending Minnesota Statutes 1984, section 216B.243, subdivision 8.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 535, A bill for an act relating to health; restricting the use of lead in pipes, solders, and flux; requiring schools to flush certain pipes; amending Minnesota Statutes 1984, section 123.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 558, A bill for an act relating to metropolitan government; permitting the city of Bloomington and the transportation department to contract for a highway improvement; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 35.

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. 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.

May 18, 1985

The Honorable Jerome H. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 35, 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. 35 be further amended 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, SUR-

GEONS, 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 arising 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 that the reporter has reasonable cause to believe has been inflicted on a perpetrator of a crime 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.]

Subdivision 1. Any person who violates any provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

Subd. 2. Any person 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 this section. No cause of action may be brought against any person for not making a report pursuant to this section."

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"

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

Senate Conferees: A. W. "BILL" DIESSNER, RANDOLPH W. PETERSON and GENE MERRIAM.

House Conferees: TONY BENNETT, DENNIS OZMENT and PETER RODOSOVICH.

Bennett moved that the report of the Conference Committee on S. F. No. 35 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 35, A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law en-

forcement authorities; amending Minnesota Statutes 1984, section 626.52.

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.

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

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

Mr. Speaker:

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

S. F. No. 862.

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. 862

A bill for an act relating to courts; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3.

May 17, 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. 862, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 862 be further amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.]

A clerk of the district court for each county within the judicial district, *who shall be known as the court administrator*, shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

The duties, functions, and responsibilities which have been and may be required by statute or law to be performed by the clerk of district court shall be performed by the court administrator.

Sec. 2. Minnesota Statutes 1984, section 486.05, subdivision 1, is amended to read:

Subdivision 1. In all judicial districts a salary range for court reporters shall be established annually by the judicial district administrator with the approval of a majority of judges of the district. The salary for each court reporter shall be set within that range annually by the district administrator after consultation with the chief judge. Nothing (HEREIN SHALL CHANGE) *in this subdivision changes the manner by which court reporters are paid, the proportions among the various counties of a judicial district by which the funds are allocated or any statutory provisions related to court reporter compensation other than the manner of setting salary. Each county shall be required by order to pay a specified amount (THEREOF) of the salary in monthly installments, which shall be (SUCH) the proportion of the whole salary as the population in each county bears to the total population in the district (AS SET FORTH) in the most recent federal census. (IT IS PROVIDED, HOWEVER, THAT IN THE EVENT) If a judge is temporarily transferred to hold court in (SOME) a county (OTHER THAN IN HIS) outside of the judge's judicial district then (, AND IN THAT EVENT, THE SAID) that county shall pay (THAT) a part of the monthly salary of the judge's reporter (AS THAT) equal to the part of the month worked by (SAID) the reporter in (SAID) the county. (EACH REPORTER SHALL HAVE AND MAINTAIN HIS RESIDENCE IN THE DISTRICT IN WHICH HE IS APPOINTED.) The reporter, in addition to (HIS) a salary, shall be paid (SUCH SUMS AS HE SHALL ACCRUE AS) necessary mileage, traveling, and hotel expenses incurred in the discharge of official duties while absent from the (CITY IN WHICH HE RESIDES IN THE DISCHARGE OF HIS OFFICIAL DUTIES) district where the judge the reporter serves is assigned (, SUCH). The expenses are to be paid by the county for which the (SAME) expenses were incurred upon presentation of a verified itemized statement (THEREOF) approved by the judge; and the auditor of (SUCH) the county, upon presentation of (SUCH) the approved statement, shall issue (HIS) a warrant (IN) for payment (THEREOF).*

This subdivision supersedes all laws (NOW IN FORCE) relating to the salary of district court reporters inconsistent (HEREWITH RELATING TO ANY AND ALL COUNTIES ARE HEREBY REPEALED AND SUPERSEDED) with this subdivision, except the manner of setting salary (AS HEREIN-BEFORE SET FORTH SHALL) in this subdivision does not apply to the second and fourth judicial districts."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "providing that clerks of district court shall be known as court administrators; eliminating certain mileage expenses that court reporters may

claim for reimbursement; eliminating the requirement that court reporters reside in the district of their appointment;”

Page 1, line 5, after “sections” insert “485.01; 486.05, subdivision 1;”

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

Senate Conferees: JAMES C. PEHLER, GENE MERRIAM, LAWRENCE J. POGEMILLER, DEAN E. JOHNSON and MICHAEL O. FREEMAN.

House Conferees: BERT J. MCKASY, CHARLES C. HALBERG, TERRY DEMPSEY and GARY L. SCHAFER.

McKasy moved that the report of the Conference Committee on S. F. No. 862 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 862, A bill for an act relating to courts; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision; 488A.12, subdivision 3; and 488A.29, subdivision 3.

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.

Frerichs 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. | Carlson, L. | Hartinger | McEachern | Omann |
| Anderson, R. | Clark | Hartle | McKasy | Onnen |
| Backlund | Clausnitzer | Haukoos | McLaughlin | Osthoff |
| Battaglia | Cohen | Jacobs | McPherson | Otis |
| Beard | DenOuden | Jaros | Metzen | Ozment |
| Becklin | Dimler | Jennings, L. | Miller | Pappas |
| Begich | Dyke | Johnson | Minne | Peterson |
| Bennett | Elioff | Kahn | Munger | Piepho |
| Bishop | Ellingson | Kalis | Murphy | Piper |
| Blatz | Fjoslien | Kelly | Nelson, D. | Price |
| Boo | Forsythe | Knuth | Nelson, K. | Quinn |
| Brandl | Frederick | Kostohryz | Neuenschwander | Quist |
| Brinkman | Frederickson | Krueger | Norton | Redalen |
| Brown | Frerichs | Lieder | O'Connor | Rees |
| Burger | Greenfield | Long | Ogren | Rest |
| Carlson, D. | Gruenes | Marsh | Olsen, S. | Rice |
| Carlson, J. | Gutknecht | McDonald | Olson, E. | Richter |

| | | | | |
|------------|----------|-----------|----------|-------------------|
| Riveness | Segal | Stanis | Tompkins | Waltman |
| Rodosovich | Shaver | Staten | Tunheim | Welle |
| Sarna | Sherman | Sviggum | Uphus | Wenzel |
| Schafer | Simoneau | Thiede | Valan | Wynia |
| Scheid | Skoglund | Thorson | Valento | Zaffke |
| Schoenfeld | Solberg | Tjornhom | Vanasek | Spk. Jennings, D. |
| Seaberg | Sparby | Tomlinson | Vellenga | |

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

Mr. Speaker:

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

S. F. No. 295.

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. 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.

May 20, 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. 295, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 295 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [SPECIAL LEVY AUTHORITY.]

Hubbard county may levy a property tax in an amount not to exceed \$45,000 annually to construct, maintain, or operate public park or other recreational facilities or programs. The tax authorized by this section shall be disregarded in the calculation of any levy limitations under Minnesota Statutes, chapter 275.

Sec. 2. [REVERSE REFERENDUM.]

If the Hubbard county board intends to exercise the authority provided by section 1 in subsequent years, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the county auditor, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to December 1, 1986.

Sec. 3. [APPROPRIATION.]

Hubbard county may levy a property tax not greater than \$20,000 annually and disburse its proceeds to operate county agricultural fairs and maintain buildings and grounds used for county agricultural fairs. This section supersedes any inconsistent provision of Minnesota Statutes, sections 38.17, 375.18, subdivision 8, or other law. The tax provided by this act shall be disregarded in the calculation of any other levy or limit on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law. The authority allowed by this section is provided at

the request of the board of county commissioners of Hubbard county.

Sec. 4. [REVERSE REFERENDUM.]

If the Hubbard county board proposes to exercise the authority provided by section 3, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the clerk, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to October 1, 1986.

Sec. 5. [CLEARWATER COUNTY; SPECIAL LEVY FOR COUNTY HOSPITAL COSTS.]

Subdivision 1. Clearwater county may levy a property tax in an amount authorized by the county board, not to exceed a levy of three mills, in excess of any limitation imposed by Minnesota Statutes, sections 275.50 to 275.56, or any other law, for the purpose of funding the operation of the county hospital.

Subd. 2. [REVERSE REFERENDUM.] *If the Clearwater county board proposes to increase the levy of the county pursuant to subdivision 1, it shall pass a resolution stating that fact. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper*

of the county or if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the county auditor the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1985.

Sec. 6. [CASS COUNTY; TOURISM AND AGRICULTURE PROMOTION.]

Subdivision 1. The Cass county board may annually levy a tax of a total amount of not more than \$70,000 on taxable property in the county and disburse the proceeds of the levy to promote tourism and agriculture in the county. A levy under this section shall be disregarded in the calculation of any other levies or limits on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law.

Subd. 2. [REVERSE REFERENDUM.] If the Cass county board proposes to increase the levy of the county pursuant to subdivision 1, it shall pass a resolution stating that fact. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a referendum on the proposed resolution is filed with the county auditor the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum. The referendum must be held at a special or general election prior to October 1, 1985.

Sec. 7. [LOCAL APPROVAL.]

Sections 1, 2, 3, and 4 are effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the

Hubbard county board. Section 5 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Clearwater county board for taxes levied in 1985, 1986, 1987, and 1988. Section 6 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Cass county board.

Sec. 8. Minnesota Statutes 1984, section 116J.36, subdivision 6, is amended to read:

Subd. 6. [LOANS, DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENTS.] Upon the recommendation of the authority pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall not exceed 40 percent of the design costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the design costs.* For cities of the second, third and fourth class, and other municipalities, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case of loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project or improvement is economically and technologically feasible; that the district heating system or qualified energy improvement will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project or improvement. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall be up to 50 percent of the construction costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the construction costs.* For cities of the second class, the amount of the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, and other municipalities, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of not more than 20 years from the date the loan is made. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment, but the first payment of interest shall not be due until one year after the loan was

made. Principal payments shall begin (IN THE SIXTH YEAR) *not more than five years* after (THE) receipt of the loan on a (25-YEAR) level payment schedule (WITH THE). *The loan may be amortized in accordance with repayment schedules not exceeding 25 years in length. Any outstanding balance of the principal (TO BE RETIRED WITH THE PAYMENT DUE 20 YEARS AFTER RECEIPT OF THE LOAN) at the end of the repayment period must be repaid along with the final scheduled payment.* Interest attributable to the first year of deferred payment shall be amortized in equal periodic payments over the remainder of the term of the loan. For each loan, the initial deposit to the state bond fund required by section 16A.65, subdivision 1, shall be made by the commissioner of finance, and no loan may be refused solely because the municipality does not provide the initial deposit.

(d) The authority may also pledge a segregated portion of the energy development fund to guarantee or insure bonds and notes, or the interest rate thereon, issued by the commissioner of finance on behalf of the state of Minnesota for purposes of section 116J.36 or 116J.37.

Sec. 9. [471.924] [COUNTY REGULATION OF PAWN-BROKERS, SECOND-HAND AND JUNK DEALERS.]

Subdivision 1. [AUTHORITY.] For the purpose of promoting the health, safety, morals, and general welfare of its residents, any county in the state may regulate the activities of pawnbrokers, second-hand and junk dealers.

Subd. 2. [IMPLEMENTATION.] The purposes and objectives of the authority granted by this section shall be furthered by the adoption and passage of county-wide regulations or ordinance provisions.

Sec. 10. [471.925] [DEFINITIONS.]

For purposes of sections 9 to 14, the following terms have the meanings given them:

(1) "pawnbroker" means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged; and

(2) "second-hand goods" or "junk dealer" means a person engaged in the business of buying second-hand goods of any kind, including but not limited to coins, gold, silver, jewelry, metals,

guns, and wrecked or dismantled motor vehicles or motor vehicles intended to be wrecked or dismantled, but not including used goods and merchandise taken as part or full payment for new goods and merchandise.

Sec. 11. [471.926] [RELATION TO OTHER COUNTY AUTHORITY.]

Any ordinance adopted by a county pursuant to sections 9 to 14 shall complement and be in addition to any other authority granted to a county pursuant to state statute or rule.

Sec. 12. [471.927] [COOPERATION WITH MUNICIPALITIES.]

The governing body of any municipality may continue to exercise the authority to regulate pawnbrokers and second-hand or junk dealers as provided by law, but may contract with the county board of commissioners for administration and enforcement of county-wide regulations or ordinance provisions within the borders of the municipality.

Sec. 13. [471.928] [RECORDING.]

Any ordinance adopted pursuant to sections 9 to 14 must be filed with the county recorder. The county auditor shall file a certified copy of the ordinance for record.

Sec. 14. [471.929] [ENFORCEMENT.]

The duties of enforcing an ordinance adopted pursuant to this section shall be imposed by the county board upon the county sheriff's department.

Sec. 15. [HUBBARD COUNTY FISCAL AGENT.]

The Hubbard county board may serve as the fiscal agent to receive money from the state for the Viking Epic Drama Amphitheater economic development project. The Hubbard county board shall establish the procedures and payment schedules necessary to make any required repayments to the state.

Sec. 16. [STEARNS COUNTY AGGREGATE MATERIAL.]

The Stearns county board may by resolution exempt from the tax imposed pursuant to Minnesota Statutes, section 293.75, any crushed granite rock used only for railroad ballast purposes produced in Stearns county which is transported by railroad and which is not transported on or used on any roads, streets, or highways.

Sec. 17. [EFFECTIVE DATE.]

Section 16 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Stearns county board."

Amend the title as follows:

Page 1, line 15, after the semicolon insert "exempting certain aggregate material in Stearns county from the aggregate tax;"

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

Senate Conferees: GERALD L. WILLET, RONALD R. DICKLICH and JAMES C. PEHLER.

House Conferees: MAURICE J. ZAFFKE, BERNARD J. BRINKMAN and MARCUS MARSH.

Zaffke moved that the report of the Conference Committee on S. F. No. 295 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

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.

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

There were 118 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McEachern Metzen Sarna

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

Mr. Speaker:

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

S. F. No. 196.

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. 196

A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of dis-

position of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

May 20, 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. 196, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 196 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 388.051, subdivision 2, is amended to read:

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

(b) *The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6.*

Sec. 2. Minnesota Statutes 1984, section 518.552, is amended to read:

518.552 [MAINTENANCE.]

Subdivision 1. In a proceeding for dissolution of marriage or legal separation, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse and which has since acquired jurisdiction, the court may grant a maintenance order for either spouse if it finds that the spouse seeking maintenance:

(a) Lacks sufficient property, including marital property apportioned to (HIM) *the spouse*, to provide for (HIS) reason-

able needs of the spouse considering the standard of living established during the marriage, especially (DURING), but not limited to, a period of training or education, (AND) or

(b) Is unable to (ADEQUATELY SUPPORT HIMSELF) provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances, through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

Subd. 2. The maintenance order shall be in amounts and for periods of time, either temporary or permanent, as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(a) The financial resources of the party seeking maintenance, including marital property apportioned to (HIM) the party, and (HIS) the party's ability to meet his or her needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, and the probability, given the (SPOUSE'S) party's age and skills, of completing education or training and becoming fully or partially self-supporting;

(c) The standard of living established during the marriage;

(d) The duration of the marriage and, in the case of a homemaker, the length of absence from employment and the extent to which any education, skills, or experience have become outmoded and earning capacity has become permanently diminished;

(e) The loss of earnings, seniority, retirement benefits, and other employment opportunities foregone by the spouse seeking spousal maintenance;

(f) The age, and the physical and emotional condition of the spouse seeking maintenance;

((F)) (g) The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance; and

((G)) (h) The contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of a

spouse as a homemaker or in furtherance of the other party's employment or business.

Subd. 3. Nothing in this section shall be construed to favor a temporary award of maintenance over a permanent award, where the factors under subdivision 2 justify a permanent award.

Where there is some uncertainty as to the necessity of a permanent award, the court shall order a permanent award leaving its order open for later modification.

Sec. 3. Minnesota Statutes 1984, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. *On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion.* On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of each party's spouse, if any. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 4. Minnesota Statutes 1984, section 609.379, is amended to read:

609.379 [PERMITTED ACTIONS.]

Subdivision 1. [REASONABLE FORCE.] Reasonable force may be used upon or toward the person of a child without the

child's consent when the following circumstance exists or the actor reasonably believes it to exist:

(a) When used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil; or

(b) *When used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from hurting himself or any other person or property.*

Subd. 2. [APPLICABILITY.] This section applies to sections 260.315, 609.255, 609.376, 609.377, 609.378, and 626.556 (, SUBDIVISION 12).

Sec. 5. Minnesota Statutes 1984, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of (SUSPECTED) neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

Sec. 6. Minnesota Statutes 1984, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 609.364 to 609.3644. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (A) (1) *an individual functioning within the family unit and having*

responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, baby sitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to (1) mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, or (2) impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter or medical care, a duty to provide that care.

(d) "Physical abuse" means (: (1)) any physical injury inflicted by a person responsible for the child's care on a child other than by accidental means (;), or ((2)) any physical injury that cannot reasonably be explained by the child's history of injuries.

(e) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanatorium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245.782.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling.

Sec. 7. Minnesota Statutes 1984, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A professional or his delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement who (HAS KNOWLEDGE OF OR REASONABLE CAUSE) *knows or has reason to believe* a child is being neglected or physically or sexually abused shall immediately report the information to the local welfare agency, police department or the county sheriff. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency *orally and in writing*. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff *orally and in writing*. *The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out.* Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school or agency.

(b) Any person (NOT REQUIRED TO REPORT UNDER THE PROVISIONS OF THIS SUBDIVISION) may voluntarily report to the local welfare agency, police department or the county sheriff if he (HAS KNOWLEDGE OF OR REASONABLE CAUSE TO BELIEVE) *knows, has reason to believe, or suspects* a child is being neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency *orally and in writing*. *The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.*

(c) A person mandated to report (SUSPECTED) physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person (WHO MAKES A) *mandated to report* shall, upon request to the local welfare agency, receive a (CONCISE) summary of the disposition of (THE) *any report made by that reporter*, unless release would be detrimental to the best interests of the child. *Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.*

(e) *For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.*

Sec. 8. Minnesota Statutes 1984, section 626.556, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] (a) *The following persons are immune from any civil or criminal liability that otherwise might result from their actions, if they are acting in good faith:*

((A)) (1) any person (, INCLUDING THOSE VOLUNTARILY MAKING REPORTS AND THOSE REQUIRED TO MAKE REPORTS UNDER SUBDIVISION 3, PARTICIPATING IN GOOD FAITH AND EXERCISING DUE CARE IN THE) making (OF) *a voluntary or mandated report under subdivision 3* or assisting in an assessment (PURSUANT TO) *under this section* (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.)

((B)) A SUPERVISOR OR SOCIAL WORKER EMPLOYED BY A LOCAL WELFARE AGENCY, WHO IN GOOD FAITH EXERCISES DUE CARE WHEN COMPLYING WITH SUBDIVISIONS 10 AND 11 OR ANY RELATED RULE OR PROVISION OF LAW, SHALL HAVE IMMUNITY FROM ANY CIVIL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF HIS ACTION.); *and*

(2) any public or private school, facility as defined in subdivision 2, or the employee of any public or private school or facility who permits access by a local welfare agency or local law enforcement agency and assists (IN GOOD FAITH) in an investigation or assessment pursuant to subdivision 10 (HAS IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF THAT ACTION).

(b) *A person who is a supervisor or social worker employed by a local welfare agency complying with subdivisions 10 and 11 or any related rule or provision of law is immune from any civil or criminal liability that might otherwise result from the person's actions, if the person is acting in good faith and exercising due care.*

(c) This subdivision does not provide immunity to any person for failure to make a required report or for committing neglect, physical abuse, or sexual abuse of a child.

Sec. 9. Minnesota Statutes 1984, section 626.556, subdivision 4a, is amended to read:

Subd. 4a. [RETRALIATION PROHIBITED.] (a) An employer of any person required to make reports under subdivision 3 shall not retaliate against the person for reporting in good faith (SUSPECTED) abuse or neglect pursuant to this section, or against a child with respect to whom a report is made, because of the report.

(b) The employer of any person required to report under subdivision 3 who retaliates against the person because of a report of (SUSPECTED) abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) There shall be a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, the term "adverse action" refers to action taken by an employer of a person required to report under subdivision 3 which is involved in a report against the person making the report or the child with respect to whom the report was made because of the report, and includes, but is not limited to:

(1) discharge, suspension, termination, or transfer from the facility, institution, school, or agency;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the facility, institution, school, agency, or persons affiliated with it.

Sec. 10. Minnesota Statutes 1984, section 626.556, subdivision 5, is amended to read:

Subd. 5. [FALSIFIED REPORTS.] Any person who (WILLFULLY) *knowingly* or recklessly makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Sec. 11. Minnesota Statutes 1984, section 626.556, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] (ANY) A person (REQUIRED) *mandated* by this section to report (SUSPECTED PHYSICAL OR SEXUAL CHILD ABUSE OR NEGLECT WHO WILLFULLY FAILS TO DO SO SHALL BE) *who knows or has reason to believe that a child is neglected or physically or sexually abused, as defined in subdivision 2, and fails to report is guilty of a misdemeanor.*

Sec. 12. Minnesota Statutes 1984, section 626.556, is amended by adding a subdivision to read:

Subd. 6a. [FAILURE TO NOTIFY.] If a local welfare agency receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local police department or county sheriff as required by subdivision 3, paragraph (a) or (b), the person within the agency who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees. If a local police department or a county sheriff receives a report under subdivision 3, paragraph (a) or (b) and fails to notify the local welfare agency as required by subdivision 3, paragraph (a) or (b), the person within the police department or county sheriff's office who is responsible for ensuring that notification is made shall be subject to disciplinary action in keeping with the agency's existing policy or collective bargaining agreement on discipline of employees.

Sec. 13. Minnesota Statutes 1984, section 626.556, subdivision 9, is amended to read:

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 (HAS REASONABLE CAUSE) *knows or has reason to believe* a child has died as a result of neglect or physical or sexual abuse, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency, police department or county sheriff. Medical examiners or coroners shall notify the local welfare agency or police department or county sheriff in instances in which they believe that the child has died as a result of neglect or physical or sexual abuse. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Sec. 14. Minnesota Statutes 1984, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. When necessary the local welfare agency shall seek authority to remove the child from the custody of his parent, guardian or adult with whom he is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency *for investigating the alleged abuse* includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or *at any facility or other place where the alleged victim or other minors might be found* and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this clause, the parent, legal custodian, or guardian shall be notified (,) *by the responsible local welfare or law enforcement agency* no later than the conclusion of the investigation or assessment (,) that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota Rules of Procedure for Juvenile Courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, *the agency withhold notification of this interview (BE WITHHELD) from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under paragraph (c), and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.*

(c) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification *of intent to interview the child on school property* must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, 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 notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.*

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare (AGENCY,) or (THE LOCAL) law enforcement agency shall have the exclusive au-

thority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is (DEEMED) *considered* necessary by agreement between the school officials and the local welfare (AGENCY) or (LOCAL) law enforcement agency. Where the school fails to comply with the provisions of this (SECTION) *paragraph*, the juvenile court may order the school to comply (WITH THIS PROVISION). (SCHOOL OFFICIALS SHALL NOT DISCLOSE TO THE PARENT, LEGAL CUSTODIAN, GUARDIAN, OR PERPETRATOR THAT A REQUEST TO INTERVIEW THE CHILD HAS BEEN MADE UNTIL AFTER THE INVESTIGATION OR ASSESSMENT HAS BEEN CONCLUDED.) Every effort (SHALL) *must* be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

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

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

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

Sec. 15. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation *except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor.* After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.

Notwithstanding section 138.17, records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to ((C)) (d):

(a) If upon assessment or investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be destroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

(d) Any notification of intent to interview which was received by a school under subdivision 10, paragraph (c), shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision."

Delete the title and insert:

"A bill for an act relating to children and families; requiring the county attorney to prosecute failure to report child abuse or neglect; clarifying factors to consider in awarding maintenance in marriage dissolution actions; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; clarifying requirements following reports of child abuse or neglect; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; 518.552; 518.64, subdivision 2; 609.379; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, 10, 11, and by adding a subdivision."

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

Senate Conferees: EMBER D. REICHGOTT, LAWRENCE J. POGEMILLER and FRITZ KNAAK.

House Conferees: CONNIE LEVI, KATHLEEN A. BLATZ and LEE GREENFIELD.

Levi moved that the report of the Conference Committee on S. F. No. 196 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 196, A bill for an act relating to crimes; requiring the county attorney to prosecute failure to report child abuse or neglect; providing for the reporting of child abuse or neglect; defining certain terms; clarifying immunity from liability for reporting child abuse or neglect; providing for concise summaries of disposition of reports; making technical changes; prescribing penalties; amending Minnesota Statutes 1984, sections 388.051, subdivision 2; and 626.556, subdivisions 1, 2, 3, 4, 4a, 5, 6, 9, and 11.

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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 863.

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. 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.

May 20, 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. 863, 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. 863 be further amended as follows:

Page 11, line 19, delete "*defrauding*" and insert "*inducing*" and delete "*extend credit*" and insert "*issue a financial transaction card*"

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

Senate Conferees: EMBER D. REICHGOTT, WILLIAM P. LUTHER and JIM RAMSTAD.

House Conferees: ARTHUR W. SEABERG, MARCUS M. MARSH and JOEL JACOBS.

Seaberg moved that the report of the Conference Committee on S. F. No. 863 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, 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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 1176.

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. 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.

May 17, 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. 1176, 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. 1176 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [626.559] [SPECIALIZED TRAINING AND EDUCATION REQUIRED.]

Subdivision 1. [JOB CLASSIFICATION; CONTINUING EDUCATION.] The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills, and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a, and 10b.

All child protection workers or social services staff having responsibility for child protective duties under section 626.556, subdivisions 10, 10a, and 10b, shall receive 15 hours of continuing education or in-service training each year. The local social service agency shall submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval.

Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:

(1) the public policy goals of the state as set forth in section 260.011 and the role of the assessment or investigation in meeting these goals;

(2) the special duties of child protection workers and law enforcement officers under section 626.556;

(3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;

(4) *the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;*

(5) *the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation;*

(6) *the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;*

(7) *the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;*

(8) *the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse, and to preserve the family unit; and*

(9) *the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.*

Subd. 3. [PRIORITY TRAINING.] *The commissioners of human services and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to section 626.556, subdivisions 10, 10a, and 10b.*

Subd. 4. [REPORT.] *By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals.*

Sec. 2. [APPROPRIATIONS.]

Subdivision 1. [COMMISSIONER OF HUMAN SERVICES.] *\$53,400 is appropriated from the general fund to the commissioner of human services for purposes of section 1 to be available for the fiscal year ending June 30, 1986.*

Subd. 2. [COMMISSIONER OF PUBLIC SAFETY.] *\$156,000 is appropriated from the general fund to the commissioner of public safety for purposes of section 1, \$78,000 to be available for the fiscal year ending June 30, 1986, and \$78,000 to be available for the fiscal year ending June 30, 1987.*

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

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

Senate Conferees: GENE MERRIAM, ERIC D. PETTY and WILLIAM V. BELANGER, JR.

House Conferees: KATHLEEN BLATZ, KATHLEEN VELLENGA and RALPH R. KIFFMEYER.

Blatz moved that the report of the Conference Committee on S. F. No. 1176 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Clausnitzer | Heap | McLaughlin | Ozment |
| Anderson, R. | Cohen | Jacobs | McPherson | Pappas |
| Backlund | DenOuden | Jaros | Metzen | Pauly |
| Battaglia | Dimler | Jennings, L. | Miller | Peterson |
| Beard | Dyke | Johnson | Minne | Piepho |
| Becklin | Elioff | Kahn | Munger | Piper |
| Begich | Ellingson | Kalis | Murphy | Poppenhagen |
| Bennett | Erickson | Kelly | Nelson, D. | Price |
| Bishop | Fjoslien | Kiffmeyer | Nelson, K. | Quinn |
| Blatz | Frederick | Knickerbocker | Neuenschwander | Quist |
| Boo | Frederickson | Knuth | Norton | Redalen |
| Brandl | Frerichs | Krueger | O'Connor | Rees |
| Brinkman | Greenfield | Levi | Ogren | Rest |
| Brown | Gruenes | Lieder | Olsen, S. | Rice |
| Burger | Gutknecht | Long | Olson, E. | Richter |
| Carlson, D. | Halberg | Marsh | Omann | Riveness |
| Carlson, J. | Hartinger | McDonald | Onnen | Rodosovich |
| Carlson, L. | Hartle | McEachern | Osthoff | Rose |
| Clark | Haukoos | McKasy | Otis | Sarna |

| | | | | |
|------------|----------|-----------|----------|-------------------|
| Schafer | Sherman | Staten | Tompkins | Voss |
| Scheid | Simoneau | Sviggum | Tunheim | Welle |
| Schoenfeld | Skoglund | Thiede | Valan | Wenzel |
| Seaberg | Solberg | Thorson | Valento | Wynia |
| Segal | Sparby | Tjornhom | Vanasek | Zaffke |
| Shaver | Stanius | Tomlinson | Vellenga | Spk. Jennings, D. |

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

Mr. Speaker:

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

S. F. No. 647.

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. 647

A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

May 17, 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. 647, 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. 647 be further amended as follows:

Page 1, line 23, strike "within the limits"

Page 1, strike line 24

Page 1, line 25, strike "subdivision 1, who" and insert "*at not to exceed 95 percent of the salary of the governor as provided by section 15A.081, subdivision 6. The chief officer*"

Page 2, line 26, reinstate the stricken language

Page 2, line 27, before the period insert "*except for administrative microcomputer software products developed by the corporation*"

Page 2, lines 27 to 31, delete the new language

Amend the title as follows:

Page 1, line 5, before "amending" insert "limiting the salary of the chief officer;"

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

Senate Conferees: JAMES C. PEHLER, GEN OLSON and DONALD M. MOE.

House Conferees: WENDELL O. ERICKSON, DANIEL J. KNUTH and DEAN HARTLE.

Erickson moved that the report of the Conference Committee on S. F. No. 647 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

The bill was read for the 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.

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

There were 69 yeas and 51 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|----------------|-------------|-------------------|
| Anderson, R. | Elioff | Kiffmeyer | Pauly | Stanius |
| Backlund | Erickson | Knickerbocker | Poppenhagen | Sviggun |
| Battaglia | Frederick | Knuth | Quist | Thorson |
| Becklin | Frederickson | Levi | Redalen | Tomlinson |
| Bennett | Gruenes | Lieder | Rodosovich | Tompkins |
| Blatz | Gutknecht | Marsh | Rose | Uphus |
| Boerboom | Halberg | McDonald | Schafer | Valan |
| Boo | Hartinger | Munger | Seaberg | Valento |
| Brandl | Hartle | Nelson, D. | Segal | Vanasek |
| Brinkman | Heap | Neuenschwander | Shaver | Vellenga |
| Carlson, D. | Jacobs | Olsen, S. | Sherman | Welle |
| Carlson, J. | Jaros | Olson, E. | Simoneau | Wynia |
| Clausnitzer | Johnson | Ozment | Skoglund | Spk. Jennings, D. |
| Dyke | Kelly | Pappas | Solberg | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|------------|------------|----------|
| Anderson, G. | Greenfield | Miller | Peterson | Sparby |
| Beard | Haukoos | Minne | Piepho | Thiede |
| Begich | Jennings, L. | Murphy | Piper | Tjornhom |
| Burger | Kahn | Nelson, K. | Price | Tunheim |
| Carlson, L. | Kalis | Norton | Quinn | Voss |
| Clark | Kostohryz | O'Connor | Rees | Waltman |
| Cohen | Krueger | Ogren | Rest | Wenzel |
| DenOuden | Long | Omann | Richter | |
| Ellingson | McEachern | Onnen | Sarna | |
| Fjoslien | McPherson | Osthoff | Scheid | |
| Frerichs | Metzen | Otis | Schoenfeld | |

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

Mr. Speaker:

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

S. F. No. 251.

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. 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.

May 17, 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. 251, 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. 251 be further amended as follows:

Page 2, line 6, delete "\$1" and insert "\$1.73"

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

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

House Conferees: BEN BOO, DALE A. CLAUSNITZER and LEE GREENFIELD.

Boo moved that the report of the Conference Committee on S. F. No. 251 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, 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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. No. 650.

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. 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.

May 20, 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. 650, 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. 650 be further amended 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."

Amend the title as follows:

Page 1, line 6, delete "subdivisions 3 and" and insert "subdivision"

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

Senate Conferees: LAWRENCE J. POGEMILLER, FRITZ KNAAK and WILLIAM P. LUTHER.

House Conferees: DON VALENTI, GARY L. SCHAFER and MARCUS MARSH.

Valenti moved that the report of the Conference Committee on S. F. No. 650 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The Speaker called Halberg to the Chair.

Mr. Speaker:

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

S. F. No. 459.

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. 459

A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

May 16, 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. 459, 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. 459 be further amended as follows:

Page 6, line 9, after the period, insert "*Nothing in this section shall cause any life insurance, accident insurance, joint annuity, or pension or profit sharing plan payable to a person other than the surviving spouse to be included in the augmented estate.*"

Page 6, line 25, delete everything after the comma

Page 6, delete lines 26 to 34

Page 6, line 35, delete "*by the decedent,*"

Page 7, line 5, after the period, insert "*The augmented estate does not include the proceeds of life insurance payable upon the death of the decedent, in lump sum or in the form of an annuity,*

accident insurance, joint annuity or pension or profit sharing plan, nor does it include premiums paid therefor by the decedent or any other person."

Page 7, line 13, delete everything after "death"

Page 7, line 14, delete "spouse," and insert "of the kind described in clause (2)(i) of this section"

Page 7, line 16, after the period, insert "All other property owned by the surviving spouse as of the decedent's death, or previously transferred by the surviving spouse, is presumed not to have been derived from the decedent except to the extent that an interested party establishes that it was derived from the decedent."

Page 7, delete lines 17 to 36

Page 8, delete lines 1 to 36

Page 9, delete line 1

Page 15, lines 21 and 22, delete "(1) is not a relative of the ward or conservatee, and (2)"

Page 15, line 25, after "abuse" delete the comma and insert "or" and delete ", or exploitation"

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

Senate Conferees: ALLAN H. SPEAR, GENE MERRIAM and RON SIELOFF.

House Conferees: ROBERT E. VANASEK, DAVID T. BISHOP and ARTHUR W. SEABERG.

Vanasek moved that the report of the Conference Committee on S. F. No. 459 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 459, A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for certain guardians and conservators; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; proposing coding for new law in Minnesota Statutes, chap-

ter 524; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, C. | Ellingson | Krueger | Otis | Simoneau |
| Anderson, R. | Erickson | Levi | Ozment | Skoglund |
| Backlund | Fjoslien | Lieder | Pappas | Solberg |
| Battaglia | Forsythe | Long | Pauly | Sparby |
| Beard | Frederick | Marsh | Peterson | Stanias |
| Becklin | Frederickson | McDonald | Piepho | Staten |
| Begich | Frerichs | McEachern | Piper | Sviggum |
| Bennett | Greenfield | McLaughlin | Poppenhagen | Thiede |
| Bishop | Gruenes | McPherson | Price | Thorson |
| Blatz | Gutknecht | Metzen | Quinn | Tjornhom |
| Boerboom | Halberg | Miller | Quist | Tomlinson |
| Boo | Hartinger | Minne | Redalen | Tompkins |
| Brandl | Hartle | Munger | Rees | Tunheim |
| Brinkman | Haukoos | Murphy | Rest | Uphus |
| Brown | Jacobs | Nelson, D. | Rice | Valan |
| Burger | Jaros | Nelson, K. | Riveness | Valento |
| Carlson, D. | 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. | Seaberg | Wenzel |
| Dimler | Knickerbocker | Omann | Segal | Wynia |
| Dyke | Knuth | Onnen | Shaver | Spk. Jennings, D. |
| Elioff | Kostohryz | Osthoff | Sherman | |

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

SPECIAL ORDERS

H. F. No. 1645 was reported to the House and given its third reading.

MOTION FOR RECONSIDERATION

Ogren moved that the action whereby H. F. No. 1645 was given its third reading be now reconsidered. The motion prevailed.

Ogren moved to amend H. F. No. 1645, the first engrossment, as follows:

Page 14, line 7 to page 15, line 22, delete section 4 from the bill

Renumber the sections in sequence

Correct the internal references

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and 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.

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

There were 82 yeas and 46 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|------------|-------------------|
| Anderson, G. | Cohen | Levi | Osthoff | Segal |
| Anderson, R. | Elioff | Lieder | Otis | Sherman |
| Backlund | Ellingson | Long | Ozment | Simoneau |
| Battaglia | Erickson | McEachern | Pappas | Skoglund |
| Beard | Forsythe | McLaughlin | Pauly | Solberg |
| Becklin | Greenfield | Metzen | Peterson | Sparby |
| Begich | Hartinger | Minne | Piper | Staten |
| Bennett | Heap | Munger | Price | Tompkins |
| Bishop | Jacobs | Murphy | Quinn | Tunheim |
| Boo | Jaros | Nelson, D. | Rest | Vellenga |
| Brandl | Jennings, L. | Nelson, K. | Rice | Welle |
| Brinkman | Kahn | Neuenschwander | Riveness | Wenzel |
| Brown | Kalis | Norton | Rodosovich | Wynia |
| Burger | Kelly | O'Connor | Rose | Spk. Jennings, D. |
| Carlson, D. | Knickerbocker | Ogren | Sarna | |
| Carlson, L. | Knuth | Olsen, S. | Scheid | |
| Clark | Kostohryz | Olson, E. | Schoenfeld | |

Those who voted in the negative were:

| | | | | |
|-------------|----------|--------------|-----------|-----------|
| Blatz | DenOuden | Frederick | Gutknecht | Johnson |
| Boerboom | Dimler | Frederickson | Halberg | Kiffmeyer |
| Carlson, J. | Dyke | Frerichs | Hartle | Marsh |
| Clausnitzer | Fjoslien | Gruenes | Haukoos | McDonald |

McPherson
Miller
Omann
Onnen
Piepho
Poppenhagen

Quist
Redalen
Rees
Richter
Schafer

Seaberg
Shaver
Stanis
Swiggum
Thiede

Thorson
Tjornhom
Tomlinson
Uphus
Valan

Valento
Vanasek
Voss
Waltman
Zaffke

The bill was passed, as amended, 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:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 384, A bill for an act relating to the cities of Minneapolis and Blaine; permitting the establishment of special service districts in the city of Minneapolis and providing taxing and other authority; authorizing Blaine city council members to serve as a housing and redevelopment authority.

H. F. No. 1589, A bill for an act relating to collection and dissemination of data; classifying government data as confidential, private, nonpublic, protected nonpublic, and public; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and classifications of inactive investigative data; refining provisions of the data practices act; authorizing a court to order the release of

certain information; amending Minnesota Statutes 1984, sections 13.03, subdivision 3, and by adding subdivisions; 13.08, subdivision 1, and by adding a subdivision; 13.09; 13.32, subdivision 1, and by adding a subdivision; 13.39, by adding a subdivision; 13.43, subdivision 4; 13.46, subdivisions 1, 2, 3, 7, and 10; 13.65, subdivision 1; 13.71; 13.72, by adding subdivisions; 13.82, subdivisions 1 and 5, and by adding subdivisions; 13.83, by adding a subdivision; 13.84, subdivisions 1 and 6; 144.335, subdivision 2; and 254A.09; repealing Minnesota Statutes 1984, sections 13.73 and 13.81; proposing coding for new law in Minnesota Statutes, chapters 13 and 144.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 78, A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 186, A bill for an act relating to mental health services; authorizing interstate contracts for mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 213, A bill for an act relating to the maltreatment of minors or vulnerable adults in certain licensed facilities; providing for notification of parents or guardians after reports of alleged abuse; clarifying certain provisions; amending Minnesota Statutes 1984, sections 13.46, subdivisions 3 and 4; 626.556, subdivisions 10b, 11, and by adding a subdivision; and 626.557, subdivision 12, and by adding a subdivision.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson moved that the House refuse to concur in the Senate amendments to H. F. No. 961, 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.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 961:

Johnson, Valan and Kalis.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the House of Representatives retain parking lots B, C, D and E for the period from May 20, 1985 to the convening of the House of Representatives in 1986 for use of members and employees of the House of Representatives;

Be It Further Resolved, that the Sergeant at Arms be directed to manage and direct operation of said lots during the period of adjournment of the House of Representatives.

The motion prevailed and the report was adopted.

Levi, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, by the Committee on Rules and Legislative Administration, that the Chief Clerk, under the direction of the Speaker of the House of Representatives, be instructed that during the period of time between May 20, 1985, and the convening of the House of Representatives in 1986, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Office, shall be left in their present status and reserved for use by the House of Representatives, Legislative Interim Committees, House Standing Committees and Subcommittees, and to such other use as may be necessary. The House Chamber and House Retiring Room shall be let out for the annual meeting of the Territorial Pioneers; and the House Chamber, House Retiring Room and the unused hearing rooms shall be available annually to the YMCA Youth in Government, Girls' State, the Young Leaders Organization, the National Forensic League, and the 4-H Leadership Conference.

The motion prevailed and the report was adopted.

Levi, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be It Resolved, that the Chief Clerk of the House be authorized and is hereby directed to correct and approve the Journal of the House for today, Monday, May 20, 1985.

Be It Further Resolved, that the Chief Clerk of the House be authorized to include in the Journal for Monday, May 20, 1985, any proceedings including subsequent proceedings and any legislative interim committees or commissions created or appointments made pursuant thereto by legislative action or by law.

The motion prevailed and the report was adopted.

SPECIAL ORDERS

H. F. No. 1568 was reported to the House.

There being no objection H. F. No. 1568 was temporarily laid over on Special Orders.

H. F. No. 810 was reported to the House.

Quist moved to amend H. F. No. 810, the second engrossment, as follows:

Page 8, line 32, after "*when*" insert "*available*"

Page 8, line 36, after the comma insert "5," and after "*when*" insert "*available*"

The motion prevailed and the amendment was adopted.

Haukoos and Piepho moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 4, line 20, after "*mills*" insert "*in fiscal year 1986, and 8.0 mills in fiscal year 1987 and thereafter,*"

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

Skoglund moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 5, after line 15, insert:

"Sec. 9. Minnesota Statutes 1984, section 297.03, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION OF FREE SAMPLE PACKAGES *PROHIBITED*.] (THE COMMISSIONER MAY AUTHORIZE DISTRIBUTION IN MINNESOTA OF FREE PACKAGES OF CIGARETTES WITHOUT AFFIXING STAMPS TO SAID PACKAGES BY THE FOLLOWING PERSONS PROVIDED THAT MONTHLY REPORTS AND PAYMENT OF A TAX AT THE SAME RATES PRESCRIBED BY SECTION 297.02, SUBDIVISION 1, SHALL BE MADE DIRECTLY TO THE COMMISSIONER UNDER THE TERMS PROVIDED FOR BY THE COMMISSIONER:)

((1) ANY MANUFACTURER, PROVIDING SUCH PACKAGES CONTAIN NOT MORE THAN 20 CIGARETTES EACH;)

((2) ANY PERSON ENGAGED AS A COMMON CARRIER IN THE TRANSPORTATION OF PERSONS, WHO PURCHASES PACKAGES OF CIGARETTES FROM A MAN-

UFACTURER FOR DISTRIBUTION WITHOUT CHARGE, PROVIDED THAT NO SUCH PACKAGE SHALL CONTAIN MORE THAN 20 CIGARETTES.)

(ALL PACKAGES DISTRIBUTED PURSUANT TO THIS SECTION SHALL BE MARKED "COMPLIMENTARY—NOT FOR SALE." THE COMMISSIONER SHALL PROMULGATE RULES PROVIDING FOR THE PROCEDURES TO BE COMPLIED WITH BY ANY PERSON DISTRIBUTING FREE SAMPLE PACKAGES) *Distribution of free sample packages of cigarettes and other tobacco products is prohibited when conducted as part of a trade or business by a manufacturer or distributor of cigarettes and other tobacco products. Each violation of this subdivision is a misdemeanor.*"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 8, delete "subdivision 6" and insert "subdivisions 6 and 10"

A roll call was requested and properly seconded.

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

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

There were 87 yeas and 39 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|----------------|------------|-----------|
| Anderson, G. | Erickson | Lieder | Peterson | Sparby |
| Battaglia | Fjoslien | Long | Piper | Stanis |
| Becklin | Forsythe | Marsh | Price | Swiggum |
| Begich | Greenfield | McDonald | Quinn | Thorson |
| Bennett | Gruenes | McLaughlin | Quist | Tomlinson |
| Bishop | Gutknecht | McPherson | Redalen | Tompkins |
| Boo | Hartinger | Minne | Rees | Tunheim |
| Brandl | Hartle | Murphy | Rest | Uphus |
| Brown | Heap | Nelson, D. | Richter | Valento |
| Burger | Himle | Nelson, K. | Riveness | Vellenga |
| Carlson, D. | Jaros | Neuenschwander | Rodosovich | Voss |
| Carlson, L. | Johnson | Norton | Rose | Waltman |
| Clark | Kahn | Olson, E. | Schafer | Welle |
| Cohen | Kiffmeyer | Onnen | Seaberg | Wynia |
| Dimler | Knickerbocker | Otis | Segal | Zaffke |
| Dyke | Knuth | Ozment | Sherman | |
| Elioff | Krueger | Pappas | Simoneau | |
| Ellingson | Kvam | Pauly | Skoglund | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|-----------|-------------|-------------------|
| Anderson, R. | Dempsey | Kalis | Ogren | Schoenfeld |
| Backlund | DenOuden | Kelly | Omann | Shaver |
| Beard | Frederick | Kostohryz | Osthoff | Solberg |
| Blatz | Frederickson | McEachern | Piepho | Tjornhom |
| Boerboom | Frerichs | McKasy | Poppenhagen | Valan |
| Brinkman | Haukoos | Miller | Rice | Wenzel |
| Carlson, J. | Jacobs | Munger | Sarna | Spk. Jennings, D. |
| Clausnitzer | Jennings, L. | O'Connor | Scheid | |

The motion prevailed and the amendment was adopted.

Marsh and Skoglund moved to amend H. F. No. 810, the second engrossment, as amended, as follows:

Page 8, after line 27, insert:

"Sec. 17. [127.43] [PROHIBITION OF THE USE OF TOBACCO PRODUCTS ON SCHOOL PREMISES BY MINORS.]

There is a prohibition of smoking cigarettes and the use of other tobacco products on the school premises by minors."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 6, before "amending" insert "prohibiting the use of tobacco products on school premises by minors;"

Page 1, line 12, after "124," insert "127,"

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Quist raised a point of order pursuant to section 127, paragraph 4, of "Mason's Manual of Legislative Procedure" relating to relations with the other house and its members. The Speaker ruled the point of order not well taken.

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; raising the cigarette tax; appropriating money; imposing penalties; prohibiting the use of tobacco products on school premises by minors; 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, 127, 144, and 145.

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 96 yeas and 28 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|---------------|------------|------------|-----------|
| Anderson, R. | Greenfield | Kvam | Pauly | Simoneau |
| Battaglia | Gruenes | Levi | Peterson | Skoglund |
| Beard | Gutknecht | Lieder | Piepho | Sparby |
| Becklin | Halberg | Long | Piper | Stanius |
| Bennett | Hartinger | Marsh | Price | Sviggun |
| Bishop | Hartle | McDonald | Quinn | Thiede |
| Blatz | Haukoos | McLaughlin | Quist | Thorson |
| Boerboom | Heap | McPherson | Redalen | Tomlinson |
| Boo | Himle | Metzen | Rees | Tompkins |
| Brandl | Jacobs | Minne | Rest | Tunheim |
| Brinkman | Jaros | Munger | Richter | Uphus |
| Burger | Johnson | Murphy | Riveness | Vellenga |
| Carlson, L. | Kahn | Nelson, D. | Schafer | Voss |
| Clark | Kalis | Nelson, K. | Scheid | Waltman |
| Cohen | Kelly | Norton | Schoenfeld | Wynia |
| Dempsey | Kiffmeyer | Olson, E. | Schreiber | Zaffke |
| Ellingson | Knickerbocker | Onnen | Seaberg | |
| Erickson | Knuth | Osthoff | Segal | |
| Fjoslien | Kostohryz | Otis | Shaver | |
| Forsythe | Krueger | Pappas | Sherman | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|--------------|------------|-------------------|
| Anderson, G. | DenOuden | Jennings, L. | Rodosovich | Vanasek |
| Begich | Dyke | McEachern | Sarna | Welle |
| Brown | Elioff | Miller | Solberg | Wenzel |
| Carlson, D. | Frederick | O'Connor | Tjornhom | Spk. Jennings, D. |
| Carlson, J. | Frederickson | Ogren | Valan | |
| Clausnitzer | Frerichs | Omann | Valento | |

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

S. F. No. 1362, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws affected; expanding the mandatory free distribution of Minnesota Rules; amending Minnesota Statutes 1984, section 14.47, subdivision 8; chapters 35; 37; 92; 219; 315; 344; 390; 458; 589; 629; and 631; Laws 1959, chapter 699, section 4; Laws 1961,

chapter 545, section 1; Laws 1963, chapters 254, section 1; and 827, section 1; Laws 1965, chapter 344, as amended; Laws 1967, chapter 541, section 1, as amended; Laws 1971, extra session, chapter 35, sections 7, 8, and 9; Laws 1974, chapter 218; Laws 1975, chapter 326, section 1; Laws 1976, chapter 234, section 3, as amended; Laws 1979, chapters 269, section 1; and 303, article 10, section 16; Laws 1980, chapter 453, section 1; and chapter 595, section 5; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110, sections 1 and 2; and 257, section 1; Laws 1984, chapters 397, section 1; 498, section 1; and 548, section 9; repealing Minnesota Statutes 1984, sections 458.13; 458.16, subdivision 3; 458.192, subdivision 3a; 458.41; 458.50; 458.51; 458.52; 458.54; 458.55; 458.56; 458.57; 458.58; and 458.60.

The bill was read for the 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 113 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|----------|----------|------------|----------|-------------------|
| Bishop | Fjostien | Schoenfeld | Tjornhom | Spk. Jennings, D. |
| DenOuden | Miller | | | |

The bill was passed and its title agreed to.

S. F. No. 1363, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain laws; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 3C.12, subdivision 2; 8.31, subdivision 2; 13.37, subdivision 2; 14.47, subdivision 8; 16A.065; 16A.133, subdivision 1; 16B.64, subdivision 2; 21.92; 35.09, subdivision 1; 42.09, subdivision 9; 46.046, subdivision 1; 47.101, subdivisions 2 and 3; 47.29, subdivision 1; 47.30, subdivisions 2 and 3; 47.51; 48.89, subdivision 1; 60A.03, subdivision 2; 62D.04, subdivision 1; 62D.041, subdivision 5; 62D.09; 62H.06; 83.23, subdivision 3; 106.631, subdivisions 2 and 4; 116J.53, subdivision 4; 122.531, subdivisions 3a and 5; 124A.03, subdivision 3; 204B.14, subdivision 5; 214.13, subdivision 4; 240.16, subdivision 6; 256B.431, subdivision 4; 257.67, subdivision 3; 260.121, subdivision 3; 268.04, subdivision 32; 268.08, subdivision 1; 268.675, subdivision 1; 270.84, subdivision 1; 290.531; 290A.111, subdivision 2; 296.18, subdivision 1; 297A.391; 307.06; 309.502; 349.51, subdivision 5; 352.01, subdivision 2A; 360.531, subdivision 7; 363.-071, subdivision 1; 388.051, subdivision 2; 422A.101, subdivision 2; 453.55, subdivision 11; 473.384, subdivision 6; 473.446, subdivision 1; 474.17, subdivision 3; 474.19, subdivisions 3 and 7; 519.01; 525.619; 571.41, subdivision 5b; amending Laws 1984, chapter 463, article 7, section 53, subdivision 2; reenacting Minnesota Statutes 1984, sections 10A.31, subdivision 5; 62D.03, subdivision 4; repealing Minnesota Statutes 1984, sections 124A.035, subdivision 6; 177.295; 204B.19, subdivision 3; repealing Laws 1977, chapter 434, sections 4 and 5; chapter 386, section 1; Laws 1978, chapter 772, section 8; Laws 1980, chapter 522, section 4; Laws 1983, chapter 222, section 14; chapter 247, sections 122, 176, and 217; chapter 253, section 19; chapter 299, section 20; chapter 301, section 220; chapter 314, article 11, section 19; chapter 359, section 149; Laws 1984, chapter 464, section 12, clause (g), and the second paragraph after clause (g); chapter 468, section 1; chapter 471, sections 14, 15, and 16; chapter 514, article 2, section 13; chapter 541, section 1; chapter 543, section 8; chapter 618, section 59; that part of Laws 1984, chapter 629, section 2, that amends section 375.193; Laws 1984, chapter 638, section 3; chapter 654, article 2, section 118.

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

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

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

There were 114 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|----------|-----------|----------|------------|-------------------|
| Bishop | Dyke | Miller | Sarna | Tjornhom |
| DenOuden | McEachern | O'Connor | Schoenfeld | Spk. Jennings, D. |

The bill was passed and its title agreed to.

S. F. No. 928 was reported to the House.

Frerichs moved to amend S. F. No. 928, as follows:

Delete everything after the enacting clause and insert:

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

Subdivision 1. [APPLICABILITY.] For the purposes of sections 1 to 12, 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, and assistive listening devices that do not require testing, fitting, or the use of ear molds and are not worn within the ear canal, are not hearing instruments.

Subd. 3. [HEARING INSTRUMENT DISPENSER.] "Hearing instrument dispenser" means a natural person who engages in hearing instrument dispensing.

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

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

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

Subdivision 1. [REGULATION.] The commissioner shall:

- (1) regulate hearing instrument dispensing;*
- (2) examine applicants for a hearing instrument dispensing license and grant licenses to qualified applicants;*
- (3) deny, suspend, or revoke a license on any of the following grounds:*
 - (a) fraud or deception in obtaining a license or in the practice of hearing instrument dispensing;*
 - (b) conviction of a felony;*
 - (c) conviction 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 sections 1 to 12 or rules adopted under these sections;*
 - (4) ensure that hearing instruments are dispensed in compliance with the requirements of the United States Food and Drug Administration;*
 - (5) perform any other duties and exercise other powers required by sections 1 to 12; and*
 - (6) adopt rules to implement sections 1 to 12.*

Subd. 2. [CONTESTED CASES.] The commissioner shall comply with the contested case provisions of chapter 14 when suspending, revoking, or failing to issue a license under sections 1 to 12.

Subd. 3. [REINSTATEMENT OF LICENSE.] A license that has been suspended or revoked may be reinstated by the com-

missioner if the former licensee pays all costs of the proceedings that resulted in the suspension or revocation and a fee set by the commissioner.

Sec. 3. [153A.03] [EXEMPTIONS.]

Persons licensed under chapter 147 are exempt from the requirements of sections 1 to 12. Audiologists who hold the certificate of clinical competence of the American Speech, Language, and Hearing Association are exempt from examination and education requirements under sections 1 to 12, but must obtain a license and pay a fee determined by the commissioner. Sections 1 to 12 do not otherwise preclude or limit the testing of hearing by persons exempt under this section.

Sec. 4. [153A.04] [PROHIBITED ACTS; ENFORCEMENT; PENALTY.]

Subdivision 1. [PROHIBITED ACTS.] A person must not:

(1) *engage in hearing instrument dispensing without a current license;*

(2) *falsely assume or pretend to the title of hearing instrument dispenser;*

(3) *receive any portion of the profits from the fitting, dispensing, or sale of hearing instruments at retail unless the person is licensed under sections 1 to 12 or employs a person licensed under sections 1 to 12;*

(4) *conduct a business engaged in hearing instrument dispensing except under the direction of a licensed hearing instrument dispenser, audiologist, or person licensed under chapter 147;*

(5) *engage in hearing instrument dispensing exclusively by telephone or mail, or both; or*

(6) *prescribe or otherwise recommend to any person the use of a hearing instrument unless the prescription or recommendation is in writing, is delivered to the person to whom it relates, and bears 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 must include, upon patient authorization, an audiogram upon which the prescription or recommendation is based.*

Subd. 2. [ENFORCEMENT.] The attorney general shall enforce this section in the manner provided by section 8.31, except that there is no private remedy as provided by section 8.31, subdivision 3a.

Subd. 3. [PENALTY.] A person violating this section is guilty of a misdemeanor.

Sec. 5. [153A.05] [EXAMINATIONS; FEES.]

The commissioner shall give reasonable notice of all examinations by mail to known applicants. Testing must occur at least three times annually at intervals no greater than five calendar months. The commissioner shall record the names of persons licensed as hearing instrument dispensers and the grounds upon which the right of each to licensure was claimed. The commissioner may establish a fee under section 16A.128 to cover the cost of the examination. Fee receipts must be deposited in the state treasury and credited to the special revenue fund. The fee may, in the discretion of the commissioner, be returned to applicants who do not take the examination.

Sec. 6. [153A.06] [CONTENTS OF EXAMINATION.]

Examinations for licensure as a hearing instrument dispenser must consist of written, oral, and practical tests. The tests must be objective and applied in a consistent manner. The tests 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 or treatment of a disease or injury; and (10) knowledge of the federal and state laws regarding hearing instrument dispensing. The examination must not test knowledge of the diagnosis or treatment of a disease or injury to the human body. The commissioner shall consult with the commissioner of health, otolaryngologists, audiologists and hearing instrument dispensers in connection with preparation of the examination.

Sec. 7. [153A.07] [QUALIFICATIONS OF APPLICANTS.]

In order to be examined as a hearing instrument dispenser, an applicant must be of good moral character, be at least 18 years old, and meet educational criteria for licensure established by the commissioner.

Sec. 8. [153A.08] [RECIPROCITY; LICENSURE.]

The commissioner may grant a license without an examination to a hearing instrument dispenser licensed by another state that gives similar recognition to licensees of this state, if the commissioner finds that the requirements for licensure in the other state are equivalent to those provided in sections 1 to 12. The commissioner may set the fee for licensure by rule.

Sec. 9. [153A.09] [BOND REQUIRED.]

A sole proprietor, partnership, association, or corporation engaged in 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, up to a maximum of \$20,000.

Sec. 10. [153A.10] [EXPENSES.]

The expenses of administering sections 1 to 12 must be paid from the appropriations made to the department.

Sec. 11. [153A.11] [ADVERTISING.]

The commissioner shall adopt rules concerning advertising of the fitting, dispensing, and sale of hearing instruments. The rules must not:

- (1) restrict the use of any medium for advertising;*
- (2) restrict a licensee's personal appearance or voice in an advertisement;*
- (3) relate to the size or duration of an advertisement; or*
- (4) restrict advertisement under a trade name.*

Sec. 12. [153A.12] [INTERNSHIP.]

The commissioner shall license as an intern any natural person who has satisfied the commissioner that the person is of good moral character, is not physically or mentally unfit, and meets the requirements for intern licensure prescribed by the commissioner. The intern must be supervised by a licensed hearing instrument dispenser. A person must not be licensed as an intern for more than 12 calendar months and the license must not be renewed or otherwise extended by the commissioner. No more than three intern licensees may hold an intern license to practice hearing instrument dispensing under the supervision of a single licensed hearing instrument dispenser. A document evidencing

the fitting, selection, sale, or delivery of a hearing instrument at retail must bear the name of the supervising licensee in addition to the name of the intern involved in the transaction.

Sec. 13. [CREDENTIALING STUDY.]

The commissioner of health shall reconsider the application of speech language pathologists and audiologists for credentialing. The reconsideration must be conducted according to section 214.13 and must be conducted before considering any application for credentialing received after July 1, 1984. The commissioner of health shall include a study of hearing instrument dispensing by physicians, audiologists, and hearing instrument dispensers in connection with the application. The commissioner of commerce shall cooperate with the commissioner of health with respect to the study of the dispensing of hearing instruments.

Sec. 14. [EFFECTIVE DATES.]

Sections 1 to 3; section 4, subdivisions 1 and 2; and sections 5 to 13 are effective July 1, 1985. Section 4, subdivision 3, is 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; requiring the commissioner of health to reconsider the application of speech language pathologists and audiologists for credentialing; providing a penalty; proposing coding for new law as Minnesota Statutes, chapter 153A."

The motion prevailed and the amendment was adopted.

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.

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 106 yeas and 12 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|----------------|------------|----------|
| Backlund | Forsythe | Levi | Pappas | Skoglund |
| Battaglia | Frederick | Lieder | Pauly | Solberg |
| Becklin | Frederickson | Long | Peterson | Sparby |
| Begich | Frerichs | Marsh | Piepho | Stanis |
| Bennett | Greenfield | McDonald | Piper | Swiggum |
| Bishop | Gutknecht | McEachern | Popenhagen | Thorson |
| Blatz | Halberg | McLaughlin | Price | Tjornhom |
| Boerboom | Hartinger | McPherson | Quinn | Tompkins |
| Brandl | Hartle | Minne | Quist | Tunheim |
| Brinkman | Haukoos | Munger | Rees | Valan |
| Burger | Heap | Murphy | Rest | Valento |
| Carlson, D. | Himle | Nelson, D. | Rice | Vanasek |
| Carlson, J. | Jacobs | Nelson, K. | Riveness | Vellenga |
| Carlson, L. | Jaros | Neuenschwander | Rodosovich | Voss |
| Clark | Jennings, L. | O'Connor | Sarna | Welle |
| Cohen | Johnson | Ogren | Schafer | Wenzel |
| Dempsey | Kahn | Olsen, S. | Scheid | Wynia |
| Dimler | Kalis | Olson, E. | Schreiber | Zaffke |
| Dyke | Knickerbocker | Omann | Seaberg | |
| Elioff | Knuth | Osthoff | Shaver | |
| Ellingson | Kostohryz | Otis | Sherman | |
| Erickson | Krueger | Ozment | Simoneau | |

Those who voted in the negative were:

| | | | | |
|--------------|----------|--------|------------|-------------------|
| Anderson, G. | DenOuden | Miller | Schoenfeld | Uphus |
| Beard | Fjoslien | Norton | Thiede | Spk. Jennings, D. |
| Brown | Gruenes | | | |

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

S. F. No. 1140 was reported to the House.

McDonald and Wenzel moved to amend S. F. No. 1140, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [17A.091] [SWINE IDENTIFICATION AND HEALTH STANDARDS.]

Subdivision 1. [DELAY BEFORE SLAUGHTER REQUIRED.] Any livestock dealer, market operator, stockyard operator, commission company, buying station, or slaughtering establishment must identify the herd of origin, regardless of country of origin, of sows, boars, stags, and other swine. Sows, boars, stags, or other swine delivered for slaughter in a United States Department of Agriculture sealed shipment may not be slaughtered for a period of (1) seven days after receipt for slaughter or (2) until the commissioner determines, based upon laboratory analysis results for 50 percent of the animals in the shipment, that the animals meet United States Department of

Agriculture and the United States Food and Drug Administration standards, whichever is later.

Subd. 2. [RULES.] The commissioner may adopt permanent and emergency rules to implement this section.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "35" and insert "17A"

The motion prevailed and the amendment was adopted.

S. F. No. 1140, A bill for an act relating to agriculture; requiring swine herd identification for disease control and meat inspection; proposing coding for new law in Minnesota Statutes, chapter 35.

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 109 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boerboom
Carlson, D.

Haukoos
Miller

Thiede
Tjornhom

Zaffke

Spk. Jennings, D.

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

S. F. No. 1356 was reported to the House.

There being no objection S. F. No. 1356 was temporarily laid over on Special Orders.

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 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. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

The Senate has appointed as such Committee Ms. Peterson, D. C.; Messrs. Petty and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1227, A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

The Senate has appointed as such Committee Ms. Peterson, D. C.; Messrs. Spear and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 567, A bill for an act relating to real property; changing notice period required for cancellation of contract for deed; designating vendor's attorney as an agent; eliminating the mortgage registration tax on contracts for deed; extending the provisions authorizing courts to approve postponements of mortgage foreclosure and contract for deed terminations and making them permanent law in certain cases; abolishing certain exclusionary provisions; clarifying certain provisions; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 559.21, subdivisions 3, 4, and 6, and by adding subdivisions; 580.031; 583.02; 583.03; 583.04; 583.05; 583.07; and 583.10; repealing Minnesota Statutes 1984, sections 287.02; and 559.21, subdivisions 1, 1a, and 2; and Laws 1983, chapter 215, section 16, as amended.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Luther, Freeman and Ramstad.

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

Halberg 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. 567. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 567:

Halberg, Bishop and Cohen.

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. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, as amended, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Onnen moved that the House concur in the Senate amendments to H. F. No. 538 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 538, A bill for an act relating to taxation; updating income tax provisions to changes in the Internal Revenue Code; providing an income tax exemption for certain payments to members of the state highway patrol; amending Minnesota Statutes 1984, sections 290.01, subdivisions 20, as amended, 20a, 20b, and 21; 290.032, subdivision 1; 290.06, subdivision 14; 290.067, subdivision 1; 290.068, subdivisions 2, 4, and 5; 290.07, subdivisions 5 and 7; 290.071, subdivision 5; 290.079, subdivision 1; 290.08, subdivision 26; 290.089, subdivision 7; 290.09, subdivisions 7 and 19; 290.091; 290.10; 290.13, subdivision 1;

290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.14; 290.16, subdivisions 3, 7, 9, 13, 15, 16, and by adding a subdivision; 290.17, subdivision 2; 290.21, subdivision 4; 290.23, subdivision 5; 290.26, subdivision 2; 290.31, subdivisions 2, 4, and 5; 290.37, subdivision 1; 290.39, subdivision 2; 290.41, subdivision 1, and by adding a subdivision; 290.53, subdivision 9; 290.65, subdivision 16; 290.93, subdivisions 1, 3, 5, 6, 7, and 10; and 290A.03, subdivision 3; repealing Laws 1984, chapter 502, article 2, section 4.

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 32 yeas and 91 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|---------------|-----------|-------------------|
| Boo | Halberg | Knickerbocker | Piepho | Uphus |
| Carlson, J. | Hartle | Levi | Redalen | Valan |
| Dempsey | Haukoos | Marsh | Rees | Zaffke |
| Dimler | Heap | McDonald | Schreiber | Spk. Jennings, D. |
| Forsythe | Himle | Omann | Seaberg | |
| Frerichs | Johnson | Onnen | Shaver | |
| Gruenes | Kiffmeyer | Pauly | Sherman | |

Those who voted in the negative were:

| | | | | |
|--------------|--------------|----------------|-------------|-----------|
| Anderson, G. | Cohen | Long | Pappas | Sparby |
| Anderson, R. | Dyke | McEachern | Peterson | Stanis |
| Backlund | Elioff | McKasy | Piper | Svigum |
| Battaglia | Ellingson | McLaughlin | Poppenhagen | Thiede |
| Beard | Fjoslien | Metzen | Price | Thorson |
| Becklin | Frederick | Miller | Quinn | Tjornhom |
| Begich | Greenfield | Minne | Rest | Tomlinson |
| Bennett | Gutknecht | Munger | Rice | Tunheim |
| Bishop | Hartinger | Murphy | Richter | Vanasek |
| Blatz | Jacobs | Nelson, D. | Riveness | Vellenga |
| Boerboom | Jaros | Nelson, K. | Rodosovich | Voss |
| Brandl | Jennings, L. | Neuenschwander | Sarna | Waltman |
| Brinkman | Kahn | Norton | Schafer | Welle |
| Brown | Kalis | O'Connor | Scheid | Wenzel |
| Burger | Kelly | Ogren | Schoenfeld | Wynia |
| Carlson, D. | Knuth | Olsen, S. | Segal | |
| Carlson, L. | Kostohryz | Olson, E. | Simoneau | |
| Clark | Krueger | Osthoff | Skoglund | |
| Clausnitzer | Lieder | Otis | Solberg | |

The bill was not repassed, as amended by 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sviggunn moved that the House concur in the Senate amendments to H. F. No. 828 and that the bill be repassed as amended by the Senate. The motion prevailed.

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.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Carlson, L. | Grüenes | Levi | Norton |
| Backlund | Clark | Gutknecht | Lieder | Ogren |
| Battaglia | Clausnitzer | Hartinger | Long | Olsen, S. |
| Beard | Dempsey | Hartle | Marsh | Olson, E. |
| Becklin | DenOuden | Haukoos | McDonald | Omann |
| Begich | Dimler | Heap | McEachern | Önnen |
| Bennett | Dyke | Himle | McLaughlin | Osthoft |
| Bishop | Elioff | Jennings, L. | McPherson | Otis |
| Blatz | Ellingson | Kahn | Metzen | Ozment |
| Boerboom | Erickson | Kalis | Miller | Pappas |
| Brandl | Fjoslien | Kelly | Minne | Pauly |
| Brinkman | Forsythe | Knickerbocker | Munger | Peterson |
| Brown | Frederick | Knuth | Murphy | Piepho |
| Burger | Frederickson | Kostohryz | Nelson, D. | Piper |
| Carlson, D. | Frerichs | Krueger | Nelson, K. | Poppenhagen |
| Carlson, J. | Greenfield | Kvam | Neuenschwander | Price |

| | | | | |
|----------|------------|----------|----------|-------------------|
| Quinn | Rodosovich | Shaver | Thorson | Vellenga |
| Quist | Rose | Simoneau | Tjornhom | Voss |
| Redalen | Sarna | Skoglund | Tompkins | Waltman |
| Rees | Schafer | Solberg | Tunheim | Welle |
| Rest | Scheid | Sparby | Uphus | Wenzel |
| Rice | Schoenfeld | Stanius | Valan | Wynia |
| Richter | Seaberg | Sviggum | Valento | Zaffke |
| Riveness | Segal | Thiede | Vanasek | Spk. Jennings, D. |

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. 265, A bill for an act relating to insurance; dramshop liability; authorizing annual aggregate policy limits; amending Minnesota Statutes 1984, section 340.11, subdivision 21.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kvam moved that the House concur in the Senate amendments to H. F. No. 265 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 265, A bill for an act relating to commerce; providing for uninsured and underinsured motorist coverage; authorizing annual aggregate policy limits for dram shop insurance; providing for practices and procedures relating to dram shop actions; modifying provisions relating to the assigned risk plan; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.49, subdivision 4, and by adding a subdivision; 340.11, subdivisions 21 and 23, and by adding a subdivision; 340.12; 340.135; 340.95; and 340.951.

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 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Coben Skoglund

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. 1233, A bill for an act relating to liquor; extending a moratorium on certain town off-sale licenses; authorizing the town of Cannon Falls to issue an off-sale license; authorizing the town of Shingobee to renew certain intoxicating liquor off-sale licenses; amending Laws 1984, chapter 626, section 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Marsh moved that the House concur in the Senate amendments to H. F. No. 1233 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1233, A bill for an act relating to intoxicating liquor; permitting counties and certain towns to issue off-sale licenses and combination licenses in towns; amending Minnesota Statutes 1984, section 340.11, subdivisions 10a and 10b.

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 116 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|----------|----------|----------|-----------|-------|
| DenOuden | Erickson | Frerichs | Hartinger | Onnen |
|----------|----------|----------|-----------|-------|

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. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 16A.80, subdivision 2a; 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dimler moved that the House concur in the Senate amendments to H. F. No. 35 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 35, A bill for an act relating to agriculture; making certain changes in the family farm security program; amending Minnesota Statutes 1984, sections 41.56, subdivisions 3, 4, and 4a; 41.57, subdivisions 2 and 3; 41.59, subdivision 1; and 41.61, subdivision 1; 223A.01; 336.9-307; proposing coding for new law in Minnesota Statutes, chapter 92.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|------------|
| Anderson, G. | DenOuden | Johnson | Nelson, D. | Quist |
| Anderson, R. | Dimler | Kahn | Nelson, K. | Redalen |
| Backlund | Dyke | Kelly | Neuenschwander | Rees |
| Battaglia | Elioff | Knickerbocker | Norton | Rest |
| Beard | Ellingson | Knuth | Ogren | Rice |
| Becklin | Erickson | Kostohryz | Olsen, S. | Richter |
| Begich | Fjoslien | Krueger | Olson, E. | Rodosovich |
| Bennett | Forsythe | Kvam | Omann | Rose |
| Blatz | Frederick | Levi | Onnen | Sarna |
| Boo | Frederickson | Lieder | Osthoff | Schafer |
| Brandl | Frerichs | Long | Otis | Scheid |
| Brinkman | Greenfield | McDonald | Ozment | Schoenfeld |
| Brown | Gruenes | McEachern | Pappas | Schreiber |
| Burger | Gutknecht | McKasy | Pauly | Segal |
| Carlson, D. | Hartinger | McLaughlin | Peterson | Shaver |
| Carlson, L. | Hartle | McPherson | Piepho | Sherman |
| Clark | Haukoos | Metzen | Piper | Simoneau |
| Clausnitzer | Himle | Miller | Poppenhagen | Skoglund |
| Cohen | Jacobs | Minne | Price | Solberg |
| Dempsey | Jaros | Murphy | Quinn | Sparby |

| | | | | |
|---------|-----------|---------|----------|-------------------|
| Stanius | Tjornhom | Uphus | Vellenga | Wenzel |
| Sviggum | Tomlinson | Valan | Voss | Wynia |
| Thiede | Tompkins | Valento | Waltman | Spk. Jennings, D. |
| Thorson | Tunheim | Vanasek | Welle | |

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. 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 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

DenOuden moved that the House concur in the Senate amendments to H. F. No. 1256 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 104.03, by adding a subdivision; 105.41, subdivision 5; and 105.44, subdivision 10.

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.

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

There were 119 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------|---------|----------|----------|
| Anderson, G. | Battaglia | Begich | Blatz | Brinkman |
| Anderson, R. | Beard | Bennett | Boerboom | Brown |
| Backlund | Becklin | Bishop | Brandl | Burger |

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

Those who voted in the negative were:

Osthoff Solberg

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

Mr. Speaker:

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

S. F. No. 1249.

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. 1249

A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the licensee for purses; appropriating money; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.14, subdivision 1; 240.15, subdivisions 5

and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.-25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

May 20, 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. 1249, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1249 be further amended as follows:

Page 6, line 31, delete "90" and insert "30"

Page 6, line 34, after the period insert "*The commission may summarily suspend a license for more than 30 days prior to a contested case hearing where it is necessary to insure the integrity of racing. A contested case hearing must be held within 20 days of the summary suspension and the administrative law judge's report must be issued within 20 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61.*"

Page 10, line 18, delete the new language and reinstate the old language

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

Senate Conferees: CLARENCE M. PURFEERST, NEIL DIETERICH and RON SIELOFF.

House Conferees: ELTON R. REDALEN, BEN P. OMANN and RICHARD KOSTOHRYZ.

Kostohryz moved that the report of the Conference Committee on S. F. No. 1249 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1249, A bill for an act relating to horse racing; making certain technical and clarifying amendments; providing for certain name changes; modifying certain license revocation and suspension procedures; modifying the amounts deducted by the

licensee for purses; appropriating money; amending Minnesota Statutes 1984, sections 240.01, subdivision 10; 240.02, subdivision 5; 240.03; 240.04; 240.05, subdivision 2; 240.06, subdivision 2; 240.08, subdivisions 1 and 5; 240.09, subdivisions 2, 3, and 6; 240.13, subdivisions 5 and 6; 240.14, subdivision 1; 240.15, subdivisions 5 and 6; 240.16, subdivisions 1 and 6; 240.18; 240.22; 240.24; 240.25, subdivisions 1 and 4; 240.29; 541.20; and 541.21; repealing Minnesota Statutes 1984, section 624.02.

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.

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

There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned.

House Concurrent Resolution No. 11, A house concurrent resolution relating to adjournment of the Senate and House of Representatives until 1986.

PATRICK E. FLAHAVEN, Secretary of the Senate

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 513, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 513 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [15.441] [COMMUNICATIONS SERVICES.]

Subdivision 1. [STATE AGENCIES; BILINGUAL EMPLOYEES.] Every state agency that is directly involved in furnishing information or rendering services to the public and that serves a substantial number of non-English-speaking people shall employ enough qualified bilingual persons in public contact positions, or enough interpreters to assist those in these positions, to ensure provision of information and services in the language spoken by a substantial number of non-English-speaking people.

The commissioner of administration shall determine the application of this section to each state agency, in consultation with the council on affairs of Spanish-speaking people, groups repre-

senting other non-English-speaking people, and the head of the agency. In determining what constitutes a substantial number of non-English-speaking people the commissioner shall consider:

- (1) the number of people served by the agency;*
- (2) the number of non-English-speaking people served by the agency;*
- (3) the frequency with which non-English-speaking people are served by the agency; and*
- (4) the extent to which information or services rendered by the agency affect legal rights, privileges or duties.*

Subd. 2. [TRANSLATIONS OF MATERIALS EXPLAINING AGENCY SERVICES.] Every state agency that serves a substantial number of non-English-speaking people and that provides materials in English explaining services is encouraged to provide equivalent materials in any non-English language spoken by a substantial number of the people served by the agency. An agency should give highest priority to providing in a non-English language materials that notify people of legal rights, duties, or privileges they are entitled to, and the steps they must take to obtain or maintain those rights, duties, or privileges. When notice of the availability of material explaining services available is given, orally or in writing, it should be given in English and the non-English language into which any material has been translated.

Subd. 3. [TRANSLATED MATERIALS FOR LOCAL OFFICES.] A state agency is encouraged to provide its local offices with written materials in the appropriate foreign language when:

- (1) the local office or facility serves a substantial number of non-English-speaking people;*
- (2) written materials such as forms, applications, questionnaires, letters, or notices are used to ask or order a person to provide information or to give a person information; and*
- (3) the information asked for or given could affect the person's rights, duties, or privileges with regard to the agency's services, or benefits.*

Subd. 4. [LIMITATIONS.] (a) A state agency may not dismiss an employee or increase its complement to carry out the purposes of this section. A state agency need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition.

(b) *This section shall be implemented to the extent permissible under federal law, civil service laws governing state agencies, and collective bargaining agreements.*

Sec. 2. Minnesota Statutes 1984, section 15.62, subdivision 2, is amended to read:

Subd. 2. A public employee who qualifies as a member of (THE) a United States (OLYMPIC) team for athletic competition *on the world championship, Pan American, or Olympic team* in a sport sanctioned by the International Olympic Committee, shall be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official (OLYMPIC) training camp and (OLYMPIC) competition combined or 90 calendar days (IN AN OLYMPIC) a year, whichever is less.

Sec. 3. Minnesota Statutes 1984, section 15A.081, subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.]

Subdivision 1. The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

| | Salary Range Effective July 1, 1983 |
|--|---|
| Commissioner of education; | \$57,500-\$70,000 |
| Commissioner of finance; | |
| Commissioner of transportation; | |
| Commissioner of human services; | |
| Chancellor, community college system; | |
| Chancellor, state university system; | |
| Director, vocational technical education; | |
| Executive director, state board of investment; | |
| Commissioner of administration; | \$50,000-\$60,000 |

Commissioner of agriculture;

Commissioner of commerce;

Commissioner of corrections;

Commissioner of economic security;

Commissioner of employee relations;

Commissioner of energy and economic
development;

Commissioner of health;

Commissioner of labor and industry;

Commissioner of natural resources;

Commissioner of revenue;

Commissioner of public safety;

Chairperson, waste management board;

Chief administrative law judge; office of
administrative hearings;

Director, pollution control agency;

Director, state planning agency;

Executive director, higher education
coordinating board;

Executive director, housing finance agency;

Executive director, teacher's
retirement association;

Executive director, state retirement system;

Chairman, metropolitan council;

Chairman, regional transit board;

Commissioner of human rights;

\$40,000-\$52,500

Director, department of public service;

Commissioner of veterans' affairs;
Director, bureau of mediation services;
Commissioner, public utilities commission;
Member, transportation regulation board;
Director, zoological gardens.

Sec. 4. Minnesota Statutes 1984, section 15A.081, is amended by adding a subdivision to read:

Subd. 7a. The governor shall set the salary rate within the range listed below for the part-time positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

*Salary Range
Effective
July 1, 1983*

Chairman, metropolitan airports commission \$15,000-\$25,000

*Chairman, metropolitan waste control
commission*

Sec. 5. Minnesota Statutes 1984, section 16A.123, subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] The following kinds of employees need not be counted in an agency's approved complement:

- (1) part-time employees;
- (2) seasonal or intermittent employees as defined by the commissioner of employee relations;
- (3) summer student employees;
- (4) service employees;
- (5) preservice trainees in an affirmative action program approved by the commissioner of employee relations;
- (6) CETA employees;
- (7) repair or construction project employees; and

(8) *employees who have an active workers' compensation claim as defined by the commissioner of labor and industry.*

The commissioner must conclude there is a need and available money before an agency hires an employee of a kind listed in this subdivision.

Sec. 6. Minnesota Statutes 1984, section 16B.65, subdivision 3, is amended to read:

Subd. 3. [CERTIFICATION.] The department of employee relations, with the approval of the commissioner, shall either:

(1) prepare and conduct oral, written, and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official, or

(2) accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification pursuant to subdivision 2.

Upon a determination of qualification under either clause (1) or (2) of this section the commissioner shall issue a certificate to the building official stating that (HE) *the official* is certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The department of employee relations and the commissioner or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2, no person may act as a building official for a municipality unless the department of employee relations and the commissioner determine that (HE) *the official* is qualified. The department of employee relations may, with the approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities. (THE COMMISSIONER SHALL REIMBURSE THE DEPARTMENT OF EMPLOYEE RELATIONS FOR COSTS OF ANY SERVICES PERFORMED BY THEM PURSUANT TO THIS SECTION.)

Sec. 7. Minnesota Statutes 1984, section 43A.17, subdivision 8, is amended to read:

Subd. 8. [ACCUMULATED VACATION LEAVE.] The commissioner of employee relations shall not agree to a collective bargaining agreement or recommend a compensation plan pursuant to section 43A.18, subdivisions 1, 2, 3, and 4, nor shall an arbitrator issue an award under sections 179A.01 to 179A.25, if the compensation plan, agreement, or award permits an employee to convert accumulated vacation leave into cash or deferred compensation before separation from state service.

This section does not prohibit the commissioner from negotiating a collective bargaining agreement or recommending approval of a compensation plan which permits an employee to receive payment for accumulated vacation leave upon beginning an unpaid leave of absence approved for more than one year in duration if the leave of absence is not for the purpose of accepting an unclassified position in state civil service.

Sec. 8. Minnesota Statutes 1984, section 43A.21, subdivision 5, is amended to read:

Subd. 5. [CAREER EXECUTIVE SERVICE.] *The commissioner shall develop and administer a process to select the membership of the career executive service.*

(a) *The commissioner, in consultation with the agency head, shall designate persons in the (CLASSIFIED) civil service as eligible for inclusion in the career executive service. By January 1, 1985, at least 20 percent of the persons designated for inclusion in the career executive service must be women. By January 1, 1987, (AT LEAST 40 PERCENT OF THE PERSONS DESIGNATED FOR INCLUSION IN THE CAREER EXECUTIVE SERVICE MUST BE WOMEN) the number of women designated for inclusion in the career executive service shall be proportional to the number of women eligible for membership. The positions designated as eligible for inclusion in the career executive service shall include those that carry basic responsibilities for high level professional or scientific competence, policy determination, leadership, or the internal management and administration of a department or other major unit.*

(b) *The commissioner shall prepare a plan for training, development, and mobility of career executive service members consistent with applicable provisions of collective bargaining agreements. The plan need not be adopted in accordance with the rulemaking provisions of chapter 14. The career executive service plan shall not contain additional compensation for members.*

(c) *No rights or tenure attach to a career executive service assignment. An incumbent in the career executive service may be removed from the service by the (APPOINTING AUTHORITY) commissioner in consultation with the agency head, provided the action is made without regard to sex, race, religion, color, creed, marital status, age, national origin, disability, or political affiliation.*

(d) *An employee in career executive service on July 1, 1983, who is receiving compensation at a level beyond the maximum of the assigned salary range shall continue to receive that rate of pay until the rate is within the assigned salary range.*

(e) *The commissioner is authorized to assess agencies a fee for each employee of the agency who belongs to the career executive service in order to cover the cost of providing training and development services to members. The fee shall be established and reviewed pursuant to section 16A.128.*

Sec. 9. Minnesota Statutes 1984, section 43A.38, subdivision 5, is amended to read:

Subd. 5. [CONFLICTS OF INTEREST.] The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate:

(a) Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

(b) acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties; (OR)

(c) actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or

(d) *the solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of the services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.*

Sec. 10. Minnesota Statutes 1984, section 62D.22, subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43A and (SHALL) *may* be allowed to participate as a carrier for state employees subject to any collective bargaining agreement entered into pursuant to chapter (179) 179A and reasonable restrictions applied (TO ALL CARRIERS. THE COMMISSIONER OF EMPLOYEE RELATIONS MAY REFUSE TO ALLOW A HEALTH MAINTENANCE ORGANIZATION TO CONTINUE AS A CARRIER IF IT WAS SELECTED BY LESS THAN 200 EMPLOYEES IN THE PRECEDING BENEFIT YEAR) *pursuant to section 43A.23.*

Sec. 11. Minnesota Statutes 1984, section 222.025, subdivision 1, is amended to read:

Subdivision 1. Any railroad company desiring a right-of-way over any state owned land, except tax forfeited land, may make application therefor to the state agency charged by law with jurisdiction over such land. The application shall be in such form as the state agency to which application must be made prescribes. If such agency, with the approval of the (EXECUTIVE COUNCIL) *commissioner of administration* of the state of Minnesota, determines that it is in the public interest that the right of way be granted, the governor shall execute and deliver to such railroad company an instrument in writing conveying an easement for right of way purposes over the land designated by such agency, with the approval of said (EXECUTIVE COUNCIL) *commissioner of administration*. Said easement shall continue so long as the land which is subject thereto shall be occupied by the railroad company for railroad purposes. Every such easement shall reserve to the state all minerals and mineral rights of whatever nature, with the right to enter upon said land to explore for such minerals at any time, and the right to enter upon said land to mine and remove the same upon six months' written notice from the state to the railroad company, provided, however, that the state agency shall negotiate for a new location for said railroad right of way, if needed by the railroad, over state land and when a new location has been procured, the railroad company shall promptly move to the new location. If such written notice is given, the railroad company shall, without any cost or obligation to the state, remove its railway and other structures from the land for which the easement was given; and all property, of whatever nature, not removed by said railroad company within said six month period shall become, upon the expiration of said period, the absolute property of the state. Upon the expiration of said period, all right, title and interest of the railroad company in and to such easement shall terminate and revert to the state without the doing of any act by the state except the giving of the aforesaid notice. If such easement ceases to be used by the railroad company for railroad purposes, the interest of the railroad company also shall terminate and revert to the state, without the doing of any act by the state. As the consideration for the granting of such easement by the state, the railroad company shall pay to the state treasurer the fair market value of the land which is subject to the easement, or that amount which is fixed by the constitution and laws of this state as the minimum price for the sale of such land, whichever is greater. No instrument conveying such easement shall be executed by the governor until said amount has been paid to the state. The fair market value shall be determined by the appraisal of the state agency charged by law with jurisdiction over said land, and shall be subject to the approval of said (EXECUTIVE COUNCIL) *commissioner of administration*.

Sec. 12. Minnesota Statutes 1984, section 299D.03, subdivision 11, is amended to read:

Subd. 11. [REVIEW OF ARBITRATION AWARD.] Any state trooper who is so suspended, demoted, or dismissed may have the decision or determination of the arbitrator reviewed pursuant to the Uniform Arbitrator Act in the *district court (OF APPEALS) of the county where the trooper resides*. If the decision or determination of the arbitrator is finally rejected or modified by the court, the trooper shall be reinstated in (HIS) *the position*, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld (FROM HIM) pending the determination of the charges or as may be directed by the court.

Sec. 13. [EXECUTIVE SALARIES.]

Notwithstanding any law to the contrary, salaries for positions listed in Minnesota Statutes 1984, section 15A.081, subdivision 1, which were given interim approval by the legislative commission on employee relations after adjournment of the 1984 legislative session, remain in effect until June 30, 1985, or the end of a special legislative session before that date, whichever is first.

Sec. 14. [REPEALER.]

Minnesota Statutes 1984, section 15A.081, subdivision 7, is repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 2, 5 to 10, and 12 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; requiring state agencies to provide services and materials in languages other than English; regulating the career executive service; specifying executive branch conflicts of interest; permitting the governor to set salaries for certain full- and part-time officials of metropolitan agencies; providing for review of state trooper arbitration awards; regulating approved complements; regulating liquidation of vacation leave; requiring approval of commissioner of administration to grant right-of-way over state-owned land to railroad company; extending the effectiveness of certain salaries; amending Minnesota Statutes 1984, sections 15.62, subdivision 2; 15A.081, subdivision 1, and by adding a subdivision; 16A.123, subdivision 3; 16B.65, subdivision 3; 43A.17, subdivision 8; 43A.21, subdivision 5; 43A.38, subdivision 5; 62D.22, subdivision 7; 222.025, subdivision 1; and 299D.03, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 1984, section 15A.081, subdivision 7."

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

House Conferees: STEVE SVIGGUM, DANIEL J. KNUTH and HARRIET MCPHERSON.

Senate Conferees: DONALD M. MOE, DARRIL WEGSCHEID and DENNIS R. FREDERICKSON.

Sviggum moved that the report of the Conference Committee on H. F. No. 513 be adopted and that the bill be repassed as amended by the Conference Committee.

POINT OF ORDER

Skoglund raised a point of order relating to subject matter contained in the Conference Committee Report on H. F. No. 513 pursuant to rule 6.11, paragraph 2. The Speaker ruled the point of order well taken and the Conference Committee Report on H. F. No. 513 was ruled out of order and returned to conference.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1070

A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1070, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1070 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 241.021, is amended by adding a subdivision to read:

Subd. 6. [BACKGROUND STUDIES.] The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. A clerk of any court, the bureau of criminal apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

Sec. 2. [241.80] [PREVENTION OF SEXUAL EXPLOITATION BY PSYCHOTHERAPISTS.]

The commissioner of corrections shall establish, as part of the program for victims of sexual assault, a program of public and professional education concerning sexual exploitation by psychotherapists. To the extent of available appropriations, the commissioner shall, in consultation with the task force established in Laws 1984, chapter 631:

(1) develop policy and procedure models and materials for use by professionals, professional organizations, educational institutions, and employers and supervisors;

(2) develop education and training programs for professionals, professional organizations, educational institutions, and employers and supervisors;

(3) collect and distribute information on the problem of sexual exploitation by psychotherapists;

(4) develop manuals, brochures, and other informational materials for distribution to the public, professionals and professional organizations, educational institutions, and employers and supervisors;

(5) educate participants in the administrative, civil, and criminal complaint systems on the laws concerning sexual exploitation, the rights of victims, and other matters;

(6) provide information and referral services, and facilitate advocacy, crisis intervention, and other assistance to victims of sexual exploitation through existing programs, including the state sexual assault network;

(7) *develop a statement of the rights of psychotherapy clients, relating to sexual exploitation, which could be included in existing bills of rights;*

(8) *promote public awareness of the problem of sexual exploitation and the rights of psychotherapy clients; and*

(9) *provide recommendations to the legislature concerning the need for services or legislation.*

At the request of the legislature, the commissioner shall report on the problem of sexual exploitation by psychotherapists and the activities of the department under this section.

Sec. 3. Laws 1984, chapter 631, section 1, subdivision 1, is amended to read:

Subdivision 1. [CREATION; MEMBERSHIP.] The commissioner of corrections shall appoint a task force to study the problem of sexual exploitation by counselors and therapists. The task force shall consist of not more than 18 members who are broadly representative of the state, including representatives of professional organizations, board of medical examiners, board of psychology, and board of nursing, agencies and individuals offering counseling or therapy services, the legal community, appropriate state agencies, women's organizations, mental health advocacy organizations, men's organizations, and consumers. The terms, compensation, and removal of members are as provided in section 15.059, *except that members shall be reimbursed for expenses at the discretion of the commissioner within the limits of available appropriations.*

Sec. 4. Laws 1984, chapter 631, section 1, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] The task force expires on July 1, (1985) 1986.

Sec. 5. [ADVISORY TASK FORCE ON THE REGULATION OF PSYCHOTHERAPISTS.]

Subdivision 1. [TASK FORCE ESTABLISHED.] *An advisory task force is created to study and report to the commissioner of health and the legislature on the need for licensing or regulation of currently unregulated occupations, professions, and individuals engaging in psychotherapy. The task force consists of no more than 16 members, including a psychologist appointed by the board of psychology, a nurse appointed by the board of nursing, a psychiatrist appointed by the board of medical examiners, and the following members appointed by the commissioner of health:*

(1) a social worker recommended by the Coalition for the Legal Regulation of Social Workers;

(2) a chemical dependency counselor recommended by the Institute for Chemical Dependency Professionals in Minnesota;

(3) a marriage and family therapist recommended by the Upper Midwest Association for Marriage and Family Therapy;

(4) a counselor recommended by the Minnesota Association for Counseling and Development;

(5) two public members knowledgeable about psychotherapy or the regulation of occupations and professions; and

(6) up to seven additional members who have knowledge and expertise in the procedures and issues related to the regulation of occupations and professions.

The task force shall report its findings and recommendations to the commissioner of health and the legislature by June 30, 1986. In addition to addressing the criteria for regulation specified in section 214.001, subdivision 2, and other matters the task force considers appropriate, the report must address (1) the need to create consequences for psychotherapists who exploit, mistreat, or otherwise harm a client, including consequences that are directly related to their practice of psychotherapy including prohibitions of the right to practice; and (2) the need to create consequences for psychotherapists who ex-misconduct by psychotherapists, that is directly related to the psychotherapist's practice. Nothing in this section affects or delays the status of the application of any group for regulation under section 214.13. The task force expires when its responsibilities under this section are completed, but no later than June 30, 1987.

Sec. 6. [APPROPRIATION.]

\$30,000 is appropriated from the general fund to the commissioner of corrections for purposes of section 2.

Sec. 7. [REPEALER.]

Section 2 is repealed on July 1, 1987."

Delete the title and insert:

"A bill for an act relating to occupations and professions; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; establishing a legislative study

commission on the regulation of psychotherapists; appropriating money; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; and Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241."

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

House Conferees: DENNIS D. OZMENT, KATHLEEN A. BLATZ and DANIEL J. KNUTH.

Senate Conferees: DONNA C. PETERSON, DEAN E. JOHNSON and ERIC D. PETTY.

Ozment moved that the report of the Conference Committee on H. F. No. 1070 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1070, A bill for an act relating to corrections; authorizing the commissioner of corrections to do background studies on personnel employed by certain licensed facilities; requiring the commissioner of corrections to establish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; creating an advisory task force to study the regulation of psychotherapists; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-------------|--------------|---------------|------------|
| Anderson, G. | Brinkman | Elioff | Hartle | Knuth |
| Anderson, R. | Brown | Ellingson | Haukoos | Kostohryz |
| Backlund | Burger | Erickson | Heap | Krueger |
| Battaglia | Carlson, D. | Fjoslien | Himle | Kvam |
| Beard | Carlson, L. | Frederick | Jacobs | Levi |
| Becklin | Clark | Frederickson | Jaros | Lieder |
| Begich | Clausnitzer | Frerichs | Jennings, L. | Long |
| Bennett | Cohen | Greenfield | Johnson | Marsh |
| Bishop | Dempsey | Gruenes | Kalis | McDonald |
| Blatz | DenOuden | Gutknecht | Kelly | McEachern |
| Boo | Dimler | Halberg | Kiffmeyer | McKasy |
| Brandl | Dyke | Hartinger | Knickerbocker | McLaughlin |

| | | | | |
|----------------|-------------|------------|-----------|-------------------|
| McPherson | Omann | Redalen | Shaver | Tunheim |
| Metzen | Onnen | Rees | Sherman | Uphus |
| Miller | Osthoff | Rest | Simoneau | Valan |
| Minne | Otis | Rice | Skoglund | Valento |
| Munger | Ozment | Richter | Solberg | Vanasek |
| Murphy | Pauly | Riveness | Sparby | Vellenga |
| Nelson, D. | Peterson | Rodosovich | Stanius | Voss |
| Nelson, K. | Picpho | Rose | Sviggum | Waitman |
| Neuenschwander | Piper | Schafer | Thiede | Welle |
| O'Connor | Poppenhagen | Scheid | Thorson | Wenzel |
| Ogren | Price | Schoenfeld | Tjernhom | Wynia |
| Olsen, S. | Quinn | Seaberg | Tomlinson | Spk. Jennings, D. |
| Olson, E. | Quist | Segal | Tompkins | |

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 729, A bill for an act relating to retirement; public plans generally; amending Minnesota Statutes 1984, sections 69.011, subdivision 1; 69.26; 353.01, subdivision 2a; 353.34, by adding a subdivision; 423A.02; 423A.15; 424A.02, subdivisions 6 and 9, and by adding a subdivision; and Laws 1965, chapter 592, section 4, as amended; Laws 1969, chapters 576, sections 3, subdivision 1; and 4, subdivision 1; 950, sections 1, subdivision 1, as amended; and 4, as amended; Laws 1981, chapter 68, section 42, subdivision 1; Laws 1982, chapter 574, sections 3, subdivision 9; and 5; Laws 1983, chapter 100, section 1; and Laws 1984, chapters 564, section 48; and 574, section 18; proposing coding for new law in Minnesota Statutes, chapter 423A; repealing Laws 1945, chapter 277; Laws 1951, chapter 499; Laws 1955, chapter 75; Laws 1965, chapter 190; Laws 1967, chapter 775; Laws 1969, chapter 138; Laws 1975, chapter 120; Laws 1978, chapter 563, section 8; Laws 1979, chapter 216, sections 27 to 43; Laws 1980, chapter 600, section 16; Laws 1981, chapter 224, section 236; and Laws 1982, chapter 578, article 3, section 18.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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 animals to be unconfined or improperly confined; providing for the killing of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.205; proposing coding for new law in Minnesota Statutes, chapters 346 and 609.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 242, A bill for an act relating to commerce; requiring manufacturers to make certain new motor vehicle warranty disclosures directly to consumers; requiring a study of protection for purchasers of agricultural vehicles; amending Minnesota Statutes 1984, section 325F.665, subdivision 3.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 315, A bill for an act relating to local government; removing the restriction on the number of mills certain towns may levy to provide fire protection for special fire protection districts; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall and permitting participation by other local government units; granting the city of Roseville and the city of White Bear Lake located in Ramsey county the powers of a port authority; permitting the establishment of special service districts in the

cities of Sartell, Sauk Rapids, St. Cloud, Isle, Mora, Becker, and Waite Park; amending Minnesota Statutes 1984, sections 161.14, subdivision 6; and 368.85, subdivision 6.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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 Senate has appointed as such Committee Messrs. Peterson, R. W.; Renneke and Merriam.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 786, A bill for an act relating to state departments and agencies; transferring authority to make certain appointments to various commissioners; reducing size of alcohol and drug abuse advisory council; abolishing the cable communications board and transferring certain functions to the commissioner of commerce; abolishing the telecommunications council; amending Minnesota Statutes 1984, sections 4.31, subdivision 5; 14.02, subdivision 4; 15.0591, subdivision 2; 16B.20, subdivision 2; 16B.33, subdivision 2; 115.74, subdivision 1; 116C.41, subdivision 2; 121.83; 161.1419, subdivision 2; 238.01; 238.02, subdivision 14, and by adding subdivisions; 238.03; 238.08, subdivisions 2, 3, and 4; 238.11, subdivision 2; 238.15; 238.16, subdivision 2; 238.17, subdivisions 1 and 5; 238.22, by adding subdivisions; 238.24, subdivision 10; 250.05; 254A.04; 270.41; 343.01, subdivision 3; 473.129, subdivision 6; and 611.215, subdivision 1; amending Laws 1984, chapter 654, article 2, section 151, sub-

division 2; proposing coding for new law in Minnesota Statutes, chapter 238; repealing Minnesota Statutes 1984, sections 3.29, subdivisions 1 to 11; 16C.01; 238.02, subdivision 4; 238.04 to 238.06; 238.09; 238.10; 238.11, subdivision 1; 238.12, subdivision 3; 238.13; 238.14; 238.16, subdivision 1; and 238.17, subdivisions 6, 7, and 8.

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

H. F. No. 1175, A bill for an act relating to children; expanding the definition of a medically neglected child; providing for intervention by commissioner of human services after a report of medical neglect; 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, subdivisions 2, 10, and by adding a subdivision.

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. 140, A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; amending Minnesota Statutes 1984, sections 48.30; 52.13; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 51A.28; 528.02, subdivision 15; and 528.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McKasy moved that the House concur in the Senate amendments to H. F. No. 140 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 140, A bill for an act relating to financial institutions; providing for deposits by minors and deposits in multi-party accounts; regulating multi-party accounts; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1984, sections 48.30; 51A.28; 52.13; 118.005; 528.02, subdivisions 3, 6, 8, and 11; 528.04; 528.05; 528.06; 528.07; 528.08; 528.09; 528.10; 528.11; 528.13; and 528.15; proposing coding for new law in Minnesota Statutes, chapters 48, 51A, and 52; repealing Minnesota Statutes 1984, sections 51A.26; 528.02, subdivision 15; and 528.12.

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.

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

There were 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | |
|----------|--------|------------|-------|
| Brinkman | Metzen | Schoenfeld | Welle |
|----------|--------|------------|-------|

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

Mr. Speaker:

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

S. F. No. 472.

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. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 472

A bill for an act relating to taxation; discontinuing enforcement of the unfair cigarette sales act; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; amending Minnesota Statutes 1984, sections 270.06; 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.01, subdivision 1; 298.02, subdivision 1; 298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

May 20, 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. 472, 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. 472 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 270.076, subdivision 2, is amended to read:

Subd. 2. In case of appeal from the assessment and levy of the tax, the airline company shall currently pay when due (THAT PORTION) 90 percent of the tax (WHICH IS ADMITTED TO BE DUE) *unless the payment is waived or otherwise adjusted by an order of the court.* If the final determination of the litigation should result in sustaining the assessment and levy or in the finding that the amount paid by the airline company is insufficient, the difference between the amount paid and the amount which should have been paid shall be decreed delinquent taxes subject to interest, as hereinabove provided. If the final determination of the tax court or the supreme court shall result in increasing any assessment above that which was made final by the order of the commissioner from which the appeal is taken, then the taxes on such increased assessment shall be delinquent 30 days after notice of the amount of the increased tax shall have been given to the airline company by the commissioner.

Sec. 2. Minnesota Statutes 1984, section 270.11, subdivision 7, is amended to read:

Subd. 7. [APPEARANCES BEFORE THE COMMISSIONER.] A property owner, other than a public utility (,) or mining company (OR THE METROPOLITAN AIRPORT COMMISSION), for which the original assessments are determined by the commissioner of revenue, may not appear before the commissioner for the purposes provided in subdivisions 5 or 6 unless a timely appearance in person, by counsel, or by written communication has been made before the county board of equalization as provided in section 274.13, to appeal the assessment of the property, or that he can establish that he did not receive notice of his market value at least five days before the local board of review meeting.

The commissioner may refuse to hear an appeal that is within the jurisdiction of the small claims division of the tax court as stated in section 271.21, subdivision 2. The property owner shall be notified by the commissioner of the right to appeal to the small claims division whenever an appeal to the commissioner is denied.

Sec. 3. Minnesota Statutes 1984, section 270.12, subdivision 3, is amended to read:

Subd. 3. For taxes levied in (1983) 1985 and thereafter when a taxing jurisdiction lies in two or more counties, if the sales ratio studies prepared by the department of revenue show that the average levels of assessment in the several portions of the taxing jurisdictions in the different counties differ by more than five percent, the board (SHALL) *may* order the apportionment of the levy (.). *When the sales ratio studies prepared by the department of revenue show that the average levels of assessment in the several portions of the taxing jurisdictions in the different counties differ by more than ten percent, the board shall order the apportionment of the levy unless* (a) the proportion of total adjusted assessed value in one of the counties is less than ten percent of the total adjusted assessed value in the taxing jurisdiction and the average level of assessment in that portion of the taxing jurisdiction is the level which differs by more than five percent from the assessment level in any one of the other portions of the taxing jurisdiction; (b) significant changes have been made in the level of assessment in the taxing jurisdiction which have not been reflected in the sales ratio study, and those changes alter the assessment levels in the portions of the taxing jurisdiction so that the assessment level now differs by five percent or less; or (c) commercial, industrial, mineral, or public utility property predominates in one county within the taxing jurisdiction and another class of property predominates in another county within that same taxing jurisdiction. If one or more of these factors are present, the board may order the apportionment of the levy.

Notwithstanding any other provision, the levy for the metropolitan mosquito control district, metropolitan council, metropolitan transit district, and metropolitan transit area must be apportioned without regard to the percentage difference.

If, pursuant to this subdivision, the board apportions the levy, then that levy apportionment among the portions in the different counties shall be made in the same proportion as the adjusted assessed value as determined by the equalization aid review committee in each portion is to the total adjusted assessed value of the taxing jurisdiction.

For the purposes of this section, the average level of assessment in a taxing jurisdiction or portion thereof shall be the aggregate assessment sales ratio. Assessed values as determined by the equalization aid review committee shall be the values as determined for the year preceding the year in which the levy to be apportioned is levied.

Actions pursuant to this subdivision shall be commenced subsequent to the annual meeting on August 15 of the state board of equalization, but notice of the action shall be given to the

affected jurisdiction and the appropriate county auditors by the following November 15.

Apportionment of a levy pursuant to this subdivision shall be considered as a remedy to be taken after equalization pursuant to subdivision 2, and when equalization within the jurisdiction would disturb equalization within other jurisdictions of which the several portions of the jurisdiction in question are a part.

Sec. 4. Minnesota Statutes 1984, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity except parcels of property containing structures and the structures assessed pursuant to section 273.13, subdivisions 17, 17b, 17c or 17d;
- (7) All public property exclusively used for any public purpose;
- (8) Except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, clause (c) shall be exempt.

The following personal property shall be taxable:

- (a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, *crude oil*, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;
- (b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;
- (c) personal property defined in section 272.03, subdivision 2, clause (3);

(d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.13, subdivision 7b or 7d; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) property classified as class 2a property; and

(f) flight property as defined in section 270.071.

(9) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, other than real property used primarily as a solid waste disposal site.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means (1) land described in section 105.37, subdivision 15, or (2) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. "Wetlands" shall not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the

purposes of this clause and section 273.116. Upon receipt of an application for the exemption and credit provided in this clause and section 273.116 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1982, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 105.482, subdivisions 1, 8 and 9.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band;

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band; and

(c) a facility at which a licensed Minnesota manufacturer produces distilled spirituous liquors, liqueurs, cordials, or liquors designated as specialties regardless of alcoholic content, but not including ethyl alcohol, distilled with a majority of the ingredients grown or produced in Minnesota. An exemption provided by paragraph (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body, or 30 days has passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

The exemptions granted by this subdivision shall be subject to the limits contained in the other subdivisions of this section, section 272.025, or section 273.13, subdivisions 17, 17b, 17c, or 17d.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

Sec. 5. Minnesota Statutes 1984, section 273.123, subdivision 5, is amended to read:

Subd. 5. [COMPUTATION OF CREDITS.] The amounts of any (HOMESTEAD, AGRICULTURAL, OR SIMILAR) credits or tax relief which reduce the gross tax shall be computed upon the reassessed value determined under subdivision 2. *Payment shall be made pursuant to section 273.13, subdivision 15a.* For purposes of the property tax refund, property taxes payable, as defined in section 290A.03, subdivision 13, and net property taxes payable, as defined in section 290A.04, subdivision 2d, shall be computed upon the reassessed value determined under subdivision 2.

Sec. 6. Minnesota Statutes 1984, section 273.13, subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution

system or a pipeline system transporting or distributing water, gas, *crude oil*, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, shall constitute class 3 and shall be valued and assessed at 33-1/3 percent of the market value thereof, except as provided in clause (b). All buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall be assessed based upon the use made of the building or structure. Except as provided in subdivision 5a, all real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on specific day if it is used, or offered for use, and a fee is charged for such use. Class 3 shall also include commercial use real property used exclusively for recreational purposes in conjunction with class 3 property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 200 days in the year preceding the year of assessment and is located within two miles of the class 3 property with which it is used.

(b) Agricultural land which is classified as class 3 shall be assessed at 19 percent of its market value. Real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 21 percent of its market value.

Sec. 7. Minnesota Statutes 1984, section 273.138, subdivision 5, is amended to read:

Subd. 5. The commissioner of revenue shall calculate the aids pursuant to subdivisions 2 and 3, basing all necessary calculations on the abstracts of assessment of real property for assessment year 1972 transmitted to the commissioner of revenue pursuant to section 270.11 as equalized by the state board of equalization pursuant to sections 270.11 and 270.12, and the 1973 abstracts of tax lists transmitted by the county auditors pursuant to section 275.29. He shall (MAKE PAYMENTS) *pay* directly to the affected taxing authorities (IN TWO EQUAL PARTS ON JULY 15 AND NOVEMBER 15 OF EACH YEAR, COMMENCING IN 1974) *their total payment for the year at the time distributions are made pursuant to section 273.13, subdivision 15a.*

Sec. 8. [273.1393] [COMPUTATION OF NET PROPERTY TAXES.]

Notwithstanding any other provisions to the contrary, "net" property taxes are determined by subtracting the credits in the order listed from the gross tax:

- (1) disaster credit as provided in section 273.123;*
- (2) wetlands credit as provided in section 273.115;*
- (3) native prairie credit as provided in section 273.116;*
- (4) powerline credit as provided in section 273.42;*
- (5) agricultural preserves credit as provided in section 473H.10;*
- (6) enterprise zone credit as provided in section 273.1314;*
- (7) state school agricultural credit as provided in section 124.2137;*
- (8) state paid homestead credit as provided in section 273.13, subdivisions 6 and 7;*
- (9) taconite homestead credit as provided in section 273.135;*
- (10) supplemental homestead credit as provided in section 273.1391.*

The combination of all property tax credits must not exceed the gross tax amount.

Sec. 9. Minnesota Statutes 1984, section 273.19, subdivision 1, is amended to read:

Subdivision 1. Except as provided in subdivision 3 or 4, property held under a lease for a term of three or more years, and not taxable under section 272.01, subdivision 2, (CLAUSE (B)(1),) or under a contract for the purchase thereof, when the property belongs to the United States, to the state, or to any religious, scientific, or benevolent society or institution, incorporated or unincorporated, or to any railroad company or other corporation whose property is not taxed in the same manner as other property, or when the property is school or other state lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same. *This subdivision does not apply to property exempt from taxation under section 272.01, subdivision 2, clause (b)(2).*

Sec. 10. Minnesota Statutes 1984, section 273.33, subdivision 1, is amended to read:

Subdivision 1. The personal property of express, stage and transportation companies, and of pipeline companies engaged in the business of transporting natural gas, gasoline, *crude oil*, or other petroleum products except as otherwise provided by law, shall be listed and assessed in the county, town or district where the same is usually kept.

Sec. 11. Minnesota Statutes 1984, section 273.33, subdivision 2, is amended to read:

Subd. 2. The personal property, consisting of the pipeline system of mains, pipes and equipment attached thereto, of pipeline companies and others engaged in the operations or business of transporting natural gas, gasoline, *crude oil*, or other petroleum products by pipe lines, shall be listed with and assessed by the commissioner of revenue. This subdivision shall not apply to the assessment of the products transported through the pipe lines nor to the lines of local commercial gas companies engaged primarily in the business of distributing gas to consumers at retail nor to pipe lines used by the owner thereof to supply natural gas or other petroleum products exclusively for such owner's own consumption and not for resale to others. On or before the fifteenth day of November, the commissioner shall certify to the auditor of each county, the amount of such personal property assessment against each company in each district in which such property is located.

Sec. 12. Minnesota Statutes 1984, section 279.01, subdivision 1, is amended to read:

Subdivision 1. On May 16, of each year, with respect to property actually occupied and used as a homestead by the owner of the property, a penalty of three percent shall accrue and thereafter be charged upon all unpaid taxes on real estate on the current lists in the hands of the county treasurer, and a penalty of seven percent on nonhomestead property, except that this penalty shall not accrue until June 1 of each year on commercial use real property used for seasonal residential recreational purposes and classified as class 3 or 3a, and on other commercial use real property classified as class 4c, provided that over 60 percent of the gross income earned by the enterprise on the class 4c property is earned during the months of May, June, July, and August. Any property owner of such class 4c property who pays the first half of the tax due on the property after May 15 and before June 1 shall attach an affidavit to his payment attesting to compliance with the income provision of this subdivision. Thereafter, for both homestead and nonhomestead property, on the 16th day of each month, up to and including October 16 following, an additional penalty of one percent for each month shall accrue and be charged on all such unpaid taxes. When the taxes against any tract or lot exceed (\$10) \$50, one-half thereof may be paid prior to May 16 and, if so paid, no penalty shall attach; the remaining one-half shall be

paid at any time prior to October 16 following, without penalty; but, if not so paid, then a penalty of four percent shall accrue thereon for homestead property and a penalty of four percent on nonhomestead property. Thereafter, for homestead property, on the 16th day of each month up to and including December 16 following, an additional penalty of two percent for each month shall accrue and be charged on all such unpaid taxes. Thereafter, for nonhomestead property, on the 16th day of each month up to and including December 16 following, an additional penalty of four percent for each month shall accrue and be charged on all such unpaid taxes. If one-half of such taxes shall not be paid prior to May 16, the same may be paid at any time prior to October 16, with accrued penalties to the date of payment added, and thereupon no penalty shall attach to the remaining one-half until October 16 following; provided, also, that the same may be paid in installments as follows: One-fourth prior to March 16; one-fourth prior to May 16; one-fourth prior to August 16; and the remaining one-fourth prior to October 16, subject to the aforesaid penalties. Where the taxes delinquent after October 16 against any tract or parcel exceed (\$40) \$100, *upon resolution of the county board*, they may be paid in installments of not less than 25 percent thereof, together with all accrued penalties and costs, up to the next tax judgment sale, and after such payment, penalties, interest, and costs shall accrue only on the sum remaining unpaid. Any county treasurer who shall make out and deliver or countersign any receipt for any such taxes without including all of the foregoing penalties therein, shall be liable to the county for the amount of such penalties.

Sec. 13. Minnesota Statutes 1984, section 282.01, subdivision 6, is amended to read:

Subd. 6. [DUTIES OF COMMISSIONER OF REVENUE; ISSUANCE OF CONVEYANCE.] When any sale has been made by the county auditor under sections 282.01 to 282.13, he shall immediately certify to the commissioner of revenue such information relating to such sale, on such forms as the commissioner of revenue may prescribe as will enable the commissioner of revenue to prepare an appropriate deed if the sale is for cash, or keep his necessary records if the sale is on terms; and not later than October 31 of each year the county auditor shall submit to the commissioner of revenue a statement of all instances wherein any payment of principal, interest, or current taxes on lands held under certificate, due or to be paid during the preceding calendar years, are still outstanding at the time such certificate is made. When such statement shows that a purchaser or his assignee is in default, the commissioner of revenue may instruct the county board of the county in which the land is located to cancel said certificate of sale in the manner provided by subdivision 5, provided that upon recommendation of the county board, and where the circumstances are such that the commissioner of revenue after investigation is satisfied that the purchaser has made every effort reasonable to make payment of both the annual installment

and said taxes, and that there has been no wilful neglect on the part of the purchaser in meeting these obligations, then the commissioner of revenue may extend the time for the payment for such period as he may deem warranted, not to exceed one year. On payment in full of the purchase price, appropriate conveyance in fee, in such form as may be prescribed by the attorney general, shall be issued by the commissioner of revenue, which conveyance *must be recorded by the county* and shall have the force and effect of a patent from the state subject to easements and restrictions of record at the date of the tax judgment sale, including, but without limitation, permits for telephone, telegraph, and electric power lines either by underground cable or conduit or otherwise, sewer and water lines, highways, railroads, and pipe lines for gas, liquids, or solids in suspension.

Sec. 14. Minnesota Statutes 1984, section 282.014, is amended to read:

282.014 [COMPLETION OF SALE AND CONVEYANCE.]

Upon compliance by the purchaser with the provisions of sections 282.011 to 282.015 and with the terms and conditions of the sale, and upon full payment for the land, plus a \$10 fee in addition to the sale price, the sale shall be complete and a conveyance of the land shall be issued to the purchaser as provided by the appropriate statutes according to the status of the land upon forfeiture.

The conveyance must be forwarded to the county recorder who shall record the conveyance before the auditor issues it to the purchaser.

Sec. 15. Minnesota Statutes 1984, section 282.301, is amended to read:

282.301 [RECEIPTS FOR PAYMENTS.]

The purchaser shall receive from the county auditor at the time of repurchase a receipt, in such form as may be prescribed by the attorney general. When the purchase price of a parcel of land shall be paid in full, the following facts shall be certified by the county auditor to the commissioner of revenue of the state of Minnesota: the description of land, the date of sale, the name of the purchaser or his assignee, and the date when the final installment of the purchase price was paid. Upon payment in full of the purchase price, the purchaser or his assignee shall receive a quitclaim deed from the state, to be executed by the commissioner of revenue. *The deed must be sent to the county recorder for recording before it is forwarded to the purchaser.* Failure to make any payment herein required shall constitute default and upon such default and cancellation in accord with section 282.40, the right,

title and interest of the purchaser or his heirs, representatives, or assigns in such parcel shall terminate.

Sec. 16. Minnesota Statutes 1984, section 282.33, subdivision 1, is amended to read:

Subdivision 1. Whenever an unrecorded deed from the state of Minnesota conveying tax-forfeited lands shall have been lost or destroyed, an application, in form approved by the attorney general, for a new deed may be made by the grantee or his successor in interest to the commissioner of revenue. If it appears to the commissioner of revenue that the facts stated in the petition are true, he shall issue a new deed to the original grantee, in form approved by the attorney general, with like effect as the original deed. *The commissioner shall send the new deed to the county recorder, who after recording the deed will forward it to the county auditor.* The application shall be accompanied by a fee of \$10, payable to the commissioner of revenue, which shall be deposited with the state treasurer and credited to the general fund.

Sec. 17. Minnesota Statutes 1984, section 282.36, is amended to read:

282.36 [FEES PAYABLE TO REPURCHASER.]

Any person repurchasing land after forfeiture to the state for nonpayment of taxes under the provisions of a repurchase law shall at the time the certificate of repurchase is issued *and recorded* by the county auditor or before receiving quit claim deed pursuant thereto, pay to the county treasurer a fee of \$3. Fees so collected during any calendar year shall be credited to a special fund and, upon a warrant issued by the county auditor on or before March 1 of the year following, shall be remitted to the state treasurer and credited to the general fund. The commissioner of revenue shall, on or before February 1 in each year, certify to the state treasurer the number of deeds issued during the preceding calendar year to which these fees apply, showing by counties the number of deeds so issued and the total fees due therefor. This section shall not apply to repurchases made under any law enacted prior to January 1, 1945.

Sec. 18. Minnesota Statutes 1984, section 287.25, is amended to read:

287.25 [PAYMENT OF TAX; STAMPS.]

The county board shall determine the method for collection of the tax imposed by section 287.21:

(1) The tax imposed by section 287.21 (SHALL) *may* be paid by the affixing of a documentary stamp or stamps in the amount

of the tax to the document or instrument with respect to which the tax is paid, provided that the commissioner of revenue may, in exceptional cases, permit the payment of the tax without the affixing of the documentary stamps and in such cases shall, upon receipt of the tax, endorse his receipt for such tax upon the face of the document or instrument. In such case the commissioner of revenue shall deposit the amount received in payment of the tax with the state treasurer to the credit of the general fund.

(2) The tax imposed by section 287.21 may be paid in the manner prescribed by section 287.08 relating to payment of mortgage registration tax.

Sec. 19. Minnesota Statutes 1984, section 294.22, is amended to read:

294.22 [GROSS EARNINGS TAX; COMPUTATION.]

Every company owning or operating any taconite railroad shall pay annually into the state treasury a sum of money equal to five percent of the gross earnings derived from the operation of such taconite railway within the state. The gross earnings of such a taconite railroad company from the transportation of taconite concentrates from the Mesabi Range to ports on Lake Superior, for all purposes hereof, shall be a sum of money equal to the amount which would be charged under established tariffs of common carriers for the transportation of an equal tonnage of iron ore or taconite concentrates, whichever is shipped from Mesabi Range points to ports at the head of Lake Superior, including the established charges for loading such ore on boats. For all purposes of chapter 298 the (AMOUNT) rate of the gross earnings as so calculated shall be treated as the cost of transportation of such concentrates or iron ore between such points. If such a taconite railroad company transports coal or any other commodity, except taconite concentrates, its gross earnings shall include an amount equal to the established tariffs of common carriers for the transportation of the same quantities of similar commodities for corresponding distances, not, however, including any such charges for any such commodities used or intended to be used in the construction, operation or maintenance of such railroad.

Sec. 20. Minnesota Statutes 1984, section 298.01, subdivision 1, is amended to read:

Subdivision 1. Every person engaged in the business of mining or producing iron ore or other ores in this state shall pay to the state of Minnesota an occupation tax equal to (15.5) 15 percent of the valuation of all ores (EXCEPT TACONITE, SEMI-TACONITE AND IRON SULPHIDES MINED OR PRODUCED AFTER DECEMBER 31, 1971 AND IRON ORES MINED OR PRODUCED AFTER DECEMBER 31, 1984). Said tax shall be in addition to all other taxes provided for by law and

shall be due and payable from such person on or before June 15 of the year next succeeding the calendar year covered by the report thereon to be filed as hereinafter provided.

Sec. 21. Minnesota Statutes 1984, section 298.02, subdivision 1, is amended to read:

Subdivision 1. [CREDIT.] For the purpose of increasing employment and the utilization of low-grade, underground, and high labor cost ores any taxpayer on whom a tax is imposed by reason of the provisions of section 298.01, subdivisions 1 and 2, shall be allowed a credit against the occupation tax as computed in that section because of the mining or production of ore from any mine, in an amount calculated as follows:

((A)) In the case of (UNDERGROUND) *all* mines (OR THAT TONNAGE OF MERCHANTABLE ORE PRODUCED IN OPEN PIT MINES IN THE YEAR IN QUESTION WHICH TONNAGE HAS RESULTED FROM BENEFICIATION AT AN ORE BENEFICIATION PLANT WITHIN THE STATE BY JIGGING, HEAVY MEDIA, SPIRAL SEPARATION, CYCLONE PROCESS, ROASTING, DRYING BY ARTIFICIAL HEAT, SINTERING, MAGNETIC SEPARATION, FLOTATION, AGGLOMERATION OR ANY PROCESS REQUIRING FINE GRINDING OR ANY OTHER IRON ORES MINED AFTER DECEMBER 31, 1984), ten percent of that part of the cost of labor employed by the mine or in the beneficiation of all ore mined or produced in the calendar year in excess of 70 cents and not in excess of 90 cents per ton of the merchantable ore produced during the year at that mine, and 15 percent of that part of the cost of such labor in excess of 90 cents per ton; (IN THE CASE OF ANY OTHER TONNAGE PRODUCED AT SAID MINE OR IN THE CASE OF OTHER MINES, TEN PERCENT OF THE AMOUNT BY WHICH THE AVERAGE COST PER TON OF LABOR EMPLOYED AT THE MINE, OR IN THE BENEFICIATION OF THE ORE AT OR NEAR THE MINE, EXCEEDS 80 CENTS, BUT DOES NOT EXCEED \$1.05, PLUS 15 PERCENT OF THE AMOUNT BY WHICH THE AVERAGE LABOR COST PER TON EXCEEDS \$1.05, MULTIPLIED BY THE NUMBER OF TONS OF ORE PRODUCED AT THE MINE, NOT EXCEEDING 100,000 TONS, BUT THIS 100,000 TONS OR LESS SHALL BE FIRST REDUCED BY ANY TONNAGE DESCRIBED IN THE FIRST PART OF THIS SUBPARAGRAPH;) provided, however, that in no event shall the credit allowed hereunder be in excess of three-fourths of eleven percent (, AS APPLIED TO UNDERGROUND AND TACONITE, SEMI-TACONITE OR OTHER IRON ORE OPERATIONS, AND SIX-TENTHS OF ELEVEN PERCENT AS APPLIED TO ALL OTHER OPERATIONS,) of the valuation of the ore used in computing the tax under the provisions of section 298.01. The term "merchantable ore pro-

duced" as used herein means ores which as mined or as mined and beneficiated, are ready for shipment as a merchantable product.

((B) THE AGGREGATE AMOUNT OF ALL CREDITS ALLOWED UNDER THIS SUBDIVISION TO ALL MINES SHALL NOT EXCEED SIX AND TWO-TENTHS PERCENT OF THE AGGREGATE AMOUNT OF OCCUPATION TAXES IMPOSED UNDER SECTION 298.01, SUBDIVISION 1, ASSESSED AGAINST ALL MINES IN THE STATE FOR SAID YEAR PRIOR TO THE DEDUCTION OF SUCH CREDITS, PROVIDED, THAT AFTER DECEMBER 31, 1954, LABOR CREDITS TO UNDERGROUND MINES OR TACONITE OR SEMI-TACONITE OPERATIONS SHALL NOT BE SUBJECT TO SUCH PERCENTAGE LIMITATION AND THAT, AFTER DECEMBER 31, 1984, LABOR CREDITS TO OTHER IRON ORE OPERATIONS SHALL NOT BE SUBJECT TO THE PERCENTAGE LIMITATION AND BOTH THE OCCUPATION TAXES OF SUCH UNDERGROUND MINES OR TACONITE, SEMI-TACONITE OR OTHER IRON ORE OPERATIONS AND THE LABOR CREDITS ALLOWED THERETO, SHALL BE EXCLUDED IN CALCULATING SUCH PERCENTAGE LIMITATIONS. AT THE TIME OF HIS FINAL DETERMINATION OF OCCUPATION TAX PURSUANT TO SECTION 298.09, SUBDIVISION 3, THE COMMISSIONER SHALL REDUCE THE CREDIT OTHERWISE ALLOWABLE TO EACH MINE HEREUNDER BY SUCH EQUAL PERCENTAGE AS WILL BRING THE TOTAL WITHIN SUCH LIMITATION. IF AN EQUAL PERCENTAGE REDUCTION IS MADE IN THE LABOR CREDITS OF MINES PURSUANT TO THIS SUBPARAGRAPH AT THE TIME OF CERTIFICATION TO THE COMMISSIONER OF REVENUE AS SET FORTH IN SECTION 298.10, THE SAME PERCENTAGE WILL BE USED WHERE CHANGES ARE MADE PURSUANT TO SECTION 298.09, SUBDIVISION 4, SUBSEQUENT TO JUNE 1. ALSO IF NO REDUCTION IS MADE AT THE TIME OF CERTIFICATION BY THE COMMISSIONER OF REVENUE ON OR BEFORE JUNE 1, PURSUANT TO THIS SUBDIVISION AND SECTION 298.10, NO REDUCTION WILL BE MADE SUBSEQUENT TO JUNE 1, DUE TO CHANGES MADE PURSUANT TO SECTION 298.09, SUBDIVISION 4. THIS SUBPARAGRAPH SHALL APPLY TO OCCUPATION TAX CALCULATIONS IN CALENDAR YEARS SUBSEQUENT TO DECEMBER 31, 1952.)

Sec. 22. Minnesota Statutes 1984, section 298.225, is amended to read:

298.225 [APPROPRIATION.]

For distribution of taconite production tax in 1985 and thereafter with respect to production in 1984 and thereafter, the recipients of the taconite production tax as provided in section

298.28, subdivision 1, clauses (1) to (4) and (5)(b), (7), and (8)(a), shall receive distributions equal to the amount distributed to them pursuant to sections 298.225 and 298.28, subdivision 1, with respect to 1983 production if the production for the year prior to the distribution year is no less than 42,000,000 taxable tons. If the production is less than 42,000,000 taxable tons, the amount of the distributions shall be reduced (BY) *proportionately at the rate of two percent for each 1,000,000 tons, or part of 1,000,000 tons by which the production is less than 42,000,000 tons*. There is hereby appropriated to the commissioner of revenue from the taconite environmental protection fund and the corpus of the northeast Minnesota economic protection trust fund in equal proportions the amount needed to make the above payments.

If a taconite producer ceases beneficiation operations permanently and is required by a special law to make bond payments for a school district, the northeast Minnesota economic protection trust fund shall assume the payments of the taconite producer if the producer ceases to make the needed payments. There is hereby appropriated from the corpus of the northeast Minnesota economic protection trust fund to the commissioner of revenue the amounts needed to make these school bond payments.

Sec. 23. Minnesota Statutes 1984, section 298.28, subdivision 1, is amended to read:

Subdivision 1. [DISTRIBUTION FROM GENERAL FUND.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton, less any amount distributed under clause (8), *paragraph (a)*, to the taconite municipal aid

account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its certified levy for the prior year, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125, comprises of the sum of certified levies for the prior year for all qualifying districts, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125. For purposes of distributions pursuant to this part, certified levies for the prior year computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 124A.03, subdivision 2.

(c) On July 15, in years prior to 1988, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 124A.03, subdivision 2, is authorized by referendum, according to the following formula. On July 15, 1988 and subsequent years, the increase over the amount established for the prior year shall be determined according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, paragraph (a). Each district shall receive the product of:

(i) \$150 times the pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the second previous school year, less the product of two mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 124A.03, subdivision 2, in the previous year, to the product of two mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3) (c) is insufficient to make the payments herein required then the entitlement of \$150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3) (c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124A.02 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of finance who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in section 298.28, subdivision 1, clause 10.

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 17.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property

tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) One cent per taxable ton to the state for the cost of administering the tax imposed by section 298.24.

(7) Three cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1 and shall be increased in 1988 and subsequent years according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(8) (a) .20 cent per taxable ton shall be paid to the range association of municipalities and schools, for the purpose of providing an area wide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(b) 1.5 cents per taxable ton shall be paid to the northeast Minnesota economic protection trust fund.

(9) the amounts determined under clauses (4)(a), (4)(c), (5), and (8)(b) shall be increased in 1979 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. Those amounts shall be increased in 1988 and subsequent years in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1.

(10) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (9) and parts (a) and (b) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: Two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) There shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake County and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake County and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) There shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. The commissioner of revenue shall annually on or before October 10 report an estimated distribution amount to each taxing district and the officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county or city in the year in which such estimate is made, and payable in the next ensuing calendar year, except that one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. In any calendar year in which a general property tax levy subject to sections 275.50 to 275.59 has been made, if the taxes distributable to any such county or city are greater than the amount estimated by the commissioner to be paid to any such county or city in such year, the excess of such distribution shall be held in a special fund by the county or city and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.50 to 275.59, of such county or city payable in such year. If

the amounts distributable to any such county or city after final determination by the commissioner of revenue under this section are less than the amounts by which a taxing district's levies were reduced pursuant to this section, such county or city may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the range association of municipalities and schools, to the taconite environmental protection fund, and to the northeast Minnesota economic protection trust fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 24. Minnesota Statutes 1984, section 299.01, subdivision 1, is amended to read:

Subdivision 1. There shall be levied and collected upon all royalty received during each calendar year for permission to explore, mine, take out and remove ore (OTHER THAN TACONITE, SEMI-TACONITE AND IRON SULPHIDES) from land in this state, a tax of (15.5) 15 percent (AFTER DECEMBER 31, 1971).

Sec. 25. Minnesota Statutes 1984, section 299.012, subdivision 1, is amended to read:

Subdivision 1. For the purpose of increasing the utilization of low grade, underground, and high labor cost ores and taconites, the royalty tax levied by virtue of section 299.01 (, SUBDIVISIONS 1 AND 2,) on royalty received because of the production of ores in any calendar year from land forming part of any mine which was in production during said year, shall be reduced by a credit in an amount which will make the net effective tax rate thereon equal to the net effective rate of the occupation tax imposed pursuant to section 298.01, because of the production of ores during such calendar year from the mine of which such land forms a part, after the application of the credits against such occupation tax allowed under section 298.02; provided, if such mine produced ore in such calendar year, but the ore produced had no valuation for occupation tax purposes because of the allowable deductions equaling or exceeding the value of the ore produced, the credit allowed hereunder shall be three-fourths of eleven percent (, AS APPLIED TO UNDERGROUND, TAC-

ONITE, SEMI-TACONITE AND OTHER IRON ORE OPERATIONS, AND SIX-TENTHS OF ELEVEN PERCENT AS APPLIED TO ALL OTHER OPERATIONS,) of the royalty received. Any person making payments of royalty taxes in advance of the final determination of such taxes, may assume for the purposes of section 299.08, that the net rate of the tax for the calendar year in question shall be the last full year's net effective occupation tax rate known at the time of the first payment of royalty tax during the current calendar year.

Sec. 26. Minnesota Statutes 1984, section 473H.10, subdivision 3, is amended to read:

Subd. 3. (a) After the assessor has determined the market value of all land valued according to subdivision 2, he shall compute the assessed value of those properties by applying the appropriate classification percentages. When the county auditor computes the rate of tax pursuant to section 275.08, he shall include the assessed value of land as provided in this clause.

(b) The county auditor shall compute the tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times the total rate of tax for all purposes as provided in clause (a).

(c) The county auditor shall then compute the maximum ad valorem property tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times 105 percent of the previous year's statewide average mill rate levied on property located within townships for all purposes.

(d) The tax due and payable by the owner of preserve land valued according to subdivision 2 and nonresidential buildings will be the amount determined in clause (b) or (c), whichever is less. If the gross tax in clause (c) is less than the gross tax in clause (b), the state shall reimburse the taxing jurisdictions for the amount of difference. Residential buildings shall continue to be valued and classified according to the provisions of sections 273.11 and 273.13, as they would be in the absence of this section, and the tax on those buildings shall not be subject to the limitation contained in this clause.

The county auditor shall certify to the commissioner of revenue on or before June 1 the total amount of tax lost to the taxing jurisdictions located within his county as a result of this subdivision. Payments shall be made by the state (ANNUALLY ON OR BEFORE JULY 15) *as provided in section 273.13, subd. 15a* to each of the affected taxing jurisdictions. There is annually appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision.

Sec. 27. Minnesota Statutes 1984, section 508.47, subdivision 4, is amended to read:

Subd. 4. [SURVEY; REQUISITES; FILING; COPIES.] The registered land survey shall correctly show the legal description of the parcel of unplatted land represented by said registered land survey and the outside measurements of the parcel of unplatted land and of all tracts delineated therein, the direction of all lines of said tracts to be shown by angles or bearings or other relationship to the outside lines of said registered land survey, and the surveyor shall place stakes in the ground at appropriate corners, and all tracts shall be lettered consecutively beginning with the letter "A". None of said tracts or parts thereof may be dedicated to the public by said registered land survey. Except in counties having microfilming capabilities, a reproduction copy of the registered land survey shall be delivered to the county auditor. The registered land survey shall be on paper, mounted on cloth, shall be a black on white drawing, the scale to be not smaller than one inch equals 200 feet, and shall be certified to be a correct representation of said parcel of unplatted land by a registered surveyor. The mounted drawing shall be exactly 17 inches by 14 inches and not less than 2 1/2 inches of the 14 inches shall be blank for binding purposes, and such survey shall be filed in triplicate with the registrar of titles upon the payment of a fee of \$15. Before filing, however, any such survey shall be approved in the manner required for the approval of subdivision plats, which approval shall be endorsed thereon or attached thereto.

At the time of filing, a certificate from the treasurer that current taxes have been paid must be presented before the survey is accepted by the registrar for filing.

In counties having microfilming capabilities, the survey may be prepared on sheets of suitable mylar or on linen tracing cloth by photographic process or on material of equal quality. Notwithstanding any provisions of subdivision 5 to the contrary, no other copies of the survey need be filed.

The registrar shall furnish to any person a copy of said registered land survey, duly certified by him, for a fee of \$7.50, which shall be admissible in evidence.

Sec. 28. Minnesota Statutes 1984, section 508.71, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION OF MEMORIALS.] Without order of court or directive of the examiner, the registrar of titles may receive and register as memorials upon any certificate of title to which they pertain, the following instruments: receipt or certificate of county treasurer showing redemption from any tax sale or payment of any tax described in a certificate of title, a

state deed issued to purchaser of tax forfeited land, a certified copy of a marriage certificate showing the subsequent marriage of any owner shown by a certificate of title to be unmarried, a certified copy of a final decree of divorce or dissolution of a marriage entered in the state of Minnesota, or in any state, territory or possession of the United States, or the District of Columbia to establish the dissolution of a marriage relationship of any party shown on the certificate to be married, and a certified copy of the death certificate of party listed in any certificate of title as being the spouse of the registered owner when accompanied by an affidavit satisfactory to the registrar identifying the decedent with the spouse. In all subsequent dealings with the land covered by the certificates, the registrar shall give full faith to these memorials.

Sec. 29. Minnesota Statutes 1984, section 559.21 is amended by adding a subdivision to read:

Subd. 8. [APPLICATION.] The provisions of this section relating to payment of mortgage registration tax as a requirement of the cancellation process only apply to those contracts for deed subject to payment of mortgage registration tax at time of recording.

Sec. 30. [REPEALER.]

(a) Minnesota Statutes 1984, sections 298.01, subdivision 2; and 299.01, subdivision 2, are repealed.

(b) Minnesota Statutes 1984, section 477A.04 is repealed.

Sec. 31. [EFFECTIVE DATE.]

Sections 1 to 8 and 10 to 12 are effective for taxes levied in 1985 and thereafter, payable in 1986 and thereafter. Sections 9, 13 to 19 and 26 to 29, are effective the day after final enactment. Sections 20 to 25 and 30, paragraph (a), are effective for ores produced after December 31, 1984."

Delete the title and insert:

"A bill for an act relating to taxation; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out;

requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; clarifying cancellation of contract for deed provisions; clarifying the tax exempt status of certain property used in connection with a public airport; amending Minnesota Statutes 1984, sections 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.19, subdivision 1; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 298.01, subdivision 1; 298.02, subdivision 1; 298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; and 477A.04."

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

Senate Conferees: DOUGLAS J. JOHNSON, COLLIN C. PETERSON and RON SIELOFF.

House Conferees: TERRY M. DEMPSEY, WILLIAM H. SCHREIBER and JOHN HIMLE.

Dempsey moved that the report of the Conference Committee on S. F. No. 472 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 472, A bill for an act relating to taxation; discontinuing enforcement of the unfair cigarette sales act; modifying certain procedures relating to taxpayer appeals; requiring apportionment of levies in specific situations; clarifying the calculation of property tax credits; clarifying the tax treatment of certain pipelines; modifying provisions relating to the payment of property taxes; allowing for sales of sample packs of cigarettes containing 25 cigarettes; altering the eligibility for confessions of judgment; providing for the recording of state deeds; modifying the deed stamp tax procedure; clarifying the computation of gross earnings tax for taconite railroads; clarifying labor credit provisions; modifying the taconite production tax distribution; reducing occupation and royalty tax rates for certain ore; clarifying process of taconite aid guarantee phase out; requiring payment of current taxes before conveyance of registered land; allowing for memorializing of state deeds on certificates of title; amending Minnesota Statutes 1984, sections 270.06; 270.076, subdivision 2; 270.11, subdivision 7; 270.12, subdivision 3; 272.02, subdivision 1; 273.123, subdivision 5; 273.13, subdivision 4; 273.138, subdivision 5; 273.33, subdivisions 1 and 2; 279.01, subdivision 1; 279.37, subdivision 1; 282.01, subdivision 6; 282.014; 282.301; 282.33, subdivision 1; 282.36; 287.25; 294.22; 297.03, subdivision 10; 298.01, subdivision 1; 298.02, subdivision 1;

298.225; 298.28, subdivision 1; 299.01, subdivision 1; 299.012, subdivision 1; 473H.10, subdivision 3; 508.47, subdivision 4; 508.71, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 273; repealing Minnesota Statutes 1984, sections 298.01, subdivision 2; 299.01, subdivision 2; 325D.41; and 477A.04.

The bill was read for the third time, as amended by Conference, 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 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

O'Connor Osthoff Scheid

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

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1227

A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psycho-

therapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

May 20, 1985

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1227, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment adopted May 16, 1985, that the Senate recede from its other amendments, and that H. F. No. 1227 be further amended as follows:

Page 1, line 24, after "*the*" insert "*professional*"

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

House Conferees: DAVID T. BISHOP, KATHLEEN A. BLATZ and ROBERT E. VANASEK.

Senate Conferees: DONNA C. PETERSON, ALLAN H. SPEAR and DEAN E. JOHNSON.

Bishop moved that the report of the Conference Committee on H. F. No. 1227 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1227, A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

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

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

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

There were 126 yeas and 0 nays as follows :

Those who voted in the affirmative were :

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

The bill was repassed, as amended by Conference, 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 message was received from the Senate:

Mr. Speaker:

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

S. F. No. 719.

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. 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.

May 20, 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. 719, 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. 719 be further amended as follows:

Page 1, line 24, after "state" insert "*specifically Marshall, Roseau, Pennington, and Beltrami counties,*"

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

Senate Conferees: LEROY A. STUMPF, KEITH LANGSETH and WILLIAM V. BELANGER, JR.

House Conferees: JOHN T. ROSE, WALLY A. SPARBY and ELTON R. REDALEN.

Rose moved that the report of the Conference Committee on S. F. No. 719 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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.

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

There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDERS

S. F. No. 903 which was temporarily laid over earlier today was again reported to the House.

Onnen moved to amend S. F. No. 903, as follows:

Page 4, line 2, after "section" insert "and which has been certified to participate in the federal medicare program under United States Code, title 42, section 1395 (tt)"

Page 4, line 6, after *"the first beds"* delete *"or"* and insert *"defined in the federal medicare regulations, Code of Federal Regulations, title 42, section 405.1041, or (2)"*

Page 4, line 8, delete *"(2)"* and insert *"and (3)"*

Page 4, line 10, delete *"(3)"* and insert *"(4)"*

Page 4, line 12, after the comma, delete to the end of the line and insert: *"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."*

Page 4, delete line 13

Page 4, line 29, after *"patient,"* insert *"and"*

Page 4, line 29, after *"no"* insert *"medicare certified skilled"*

Page 4, line 30, delete *"or in"*

Page 4, delete lines 31 to 33

Page 4, line 34, delete *"to meet the needs of the patient"*

Page 4, line 36, delete *"hospital"* and insert *"physician"*

Page 5, line 1, delete *"discharge"* and insert *"appropriate care"*

Page 5, line 1, after *"patient"* insert a period and delete the remainder of the line

Page 5, delete line 2

Page 5, delete lines 9 to 21 and insert:

"(e) The hospital must agree, in writing, to report annually to the commissioner of health (1) the number of patients readmitted to a swing bed within 60 days of a patient's discharge from the facility, and (2) the hospital's charges for care in a swing bed during the reporting period. The hospital must describe the care provided for the rate charged."

Page 6, delete lines 2 to 7

Renumber subsequent subdivisions

Page 6, delete lines 24 to 36

Page 7, delete lines 1 to 36

Page 8, delete lines 1 to 26 and insert:

"Sec. 4. [144.563] [NURSING SERVICES PROVIDED IN A HOSPITAL; PROHIBITED PRACTICES.]

A hospital that has been granted a license condition under section 3 must not provide the types of services that would exclusively be provided in, and reimbursed under medical assistance or medicare as services of, a skilled nursing facility or intermediate care facility to patients not reimbursed by medicare or medical assistance for more than 100 days. Permission to extend a patient's length of stay must be requested by the physician and granted by the commissioner of health at least ten days prior to the end of the maximum length of stay."

Page 12, line 24, delete the comma

Page 25, after line 8, insert:

"Sec. 17. Minnesota Statutes 1984, section 256B.421, subdivision 5, is amended to read:

Subd. 5. [GENERAL AND ADMINISTRATIVE COSTS.] "General and administrative costs" means all allowable costs for administering the facility, including but not limited to: salaries of administrators, assistant administrators, accounting personnel, data processing personnel, and all clerical personnel; board of directors fees; business office functions and supplies; travel, except as necessary for training programs for nursing personnel and dieticians required to maintain licensure, certification, or professional standards requirements; telephone and telegraph; advertising; membership dues and subscriptions; postage; insurance, except as included as a fringe benefit under subdivision 14; professional services such as legal, accounting and data processing services; central or home office costs; management fees; management consultants; employee training, for any top management personnel and for other than direct resident care related personnel; and business meetings and seminars. (THESE COSTS SHALL BE INCLUDED IN GENERAL AND ADMINISTRATIVE COSTS IN TOTAL, WITHOUT DIRECT OR INDIRECT ALLOCATION TO OTHER COST CATEGORIES.)

(IN A NURSING HOME OF 60 OR FEWER BEDS, PART OF AN ADMINISTRATOR'S SALARY MAY BE ALLOCATED TO OTHER COST CATEGORIES TO THE EXTENT JUSTIFIED IN RECORDS KEPT BY THE NURSING HOME. CENTRAL OR HOME OFFICE COSTS REPRESENTING SERVICES OF REQUIRED CONSULTANTS IN AREAS INCLUDING, BUT NOT LIMITED TO, DIETARY, PHARMACY, SOCIAL SERVICES, OR ACTIVITIES MAY BE

ALLOCATED TO THE APPROPRIATE DEPARTMENT, BUT ONLY IF THOSE COSTS ARE DIRECTLY IDENTIFIED BY THE NURSING HOME.)

Sec. 18. Minnesota Statutes 1984, section 256B.431, is amended by adding a subdivision to read:

Subd. 2g. [REQUIRED CONSULTANTS.] Costs considered general and administrative costs under section 256B.421 must be included in general and administrative costs in total, without direct or indirect allocation to other cost categories. In a nursing home of 60 or fewer beds, part of an administrator's salary may be allocated to other cost categories to the extent justified in records kept by the nursing home. Central or home office costs representing services of required consultants in areas including, but not limited to, dietary, pharmacy, social services, or activities may be allocated to the appropriate department, but only if those costs are directly identified by the nursing home. Central, affiliated, or corporate office costs representing services of consultants not required by law in the areas of nursing, quality assurance, medical records, dietary, other care related services, and plant operations may be allocated to the appropriate operating cost category of a nursing home according to paragraphs (a) to (e).

(a) Only the salaries, fringe benefits, and payroll taxes associated with the individual performing the service may be allocated. No other costs may be allocated.

(b) The allocation must be based on direct identification and only to the extent justified in time distribution records that show the actual time spent by the consultant performing the services in the nursing home.

(c) The cost in paragraph (a) for each consultant must not be allocated to more than one operating cost category in the nursing home. If more than one nursing home is served by a consultant, all nursing homes shall allocate the consultant's cost to the same operating category.

(d) Top management personnel must not be considered consultants.

(e) The consultant's full-time responsibilities shall be to provide the services identified in this item."

Renumber subsequent sections

Correct internal references

Page 25, line 22, delete "40" and insert "50"

Page 25, line 25, delete "20" and insert "30"

Page 28, line 35, delete the new language and reinstate the stricken language

Page 29, lines 2 to 5, reinstate the stricken language and delete the new language

Page 30, after line 5, insert:

"Sec. 20. 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 a nursing home submits a written request for exception and it is determined that there is 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 110 percent of 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. A nursing home that is granted an exception under this subdivision must give appropriate notice to all applicants for admission that medicare coverage is not available in the nursing home and publish this fact in all literature and advertisement related to the nursing home."

Renumber subsequent sections

Correct internal references

Page 32, line 17, delete "and"

Page 32, line 19, delete the period and insert " ; and"

Page 32, after line 19, insert:

"(e) to study the adequacy of the present system of quality assurance and to recommend changes if the current system is not adequate to ensure a cost-effective, quality care system. The commission shall review the department of health's quality assurance program in order to assure that each individual resident's ability to function is optimized, based upon valid and reliable indicators focusing on individual client outcomes and not measured solely by the number or amount of services provided."

Amend the title as follows:

Page 1, delete line 14

Page 1, line 15, delete "assistance overpayments ;"

Page 1, line 25, delete "subdivision" and insert "subdivisions"

Page 1, line 26, delete the semicolon and insert "and 5 ;"

Page 1, line 27, delete "a subdivision" and insert "subdivisions ; 256B.48, by adding a subdivision"

The motion prevailed and the amendment was adopted.

Greenfield moved to amend S. F. No. 903, as amended, as follows:

Page 8, after line 35, insert:

"Sec. 7. Minnesota Statutes 1984, section 144A.01, subdivision 7, is amended to read:

Subd. 7. "Uncorrected violation" means ((A)) a violation of a statute or rule or any other deficiency for which a notice of noncompliance has been issued and fine assessed and allowed to be recovered pursuant to section 144A.10, subdivision (6, OR (B) THE ISSUANCE OF TWO OR MORE CORRECTION ORDERS, WITHIN A 12-MONTH PERIOD, FOR A VIOLATION OF THE SAME PROVISION OF A STATUTE OR RULE) 8.

Sec. 8. Minnesota Statutes 1984, section 144A.01, is amended by adding a subdivision to read:

Subd. 10. "Repeated violation" means the issuance of two or more correction orders, within a 12-month period, for a violation of the same provision of a statute or rule.

Sec. 9. Minnesota Statutes 1984, section 144A.04, subdivision 4, is amended to read:

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous two year period:

(a) during which time of control that other nursing home incurred the following number of uncorrected *or repeated* violations:

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

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

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

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home which incurred the uncorrected violations.

Sec. 10. Minnesota Statutes 1984, section 144A.04, subdivision 6, is amended to read:

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

(a) During which time of employment that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator:

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

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

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

Page 12, after line 36, insert:

"Sec. 14. Minnesota Statutes 1984, section 144A.08, subdivision 3, is amended to read:

Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home which incurs the following number of uncorrected or repeated violations, in any two year period:

(a) two or more uncorrected violations or one or more repeated violations which created an imminent risk (OF HARM) to (A NURSING HOME) direct resident care or safety; or

(b) (FIVE) four or more uncorrected violations or two or more repeated violations of any nature for which the fines are in the four highest daily fine categories prescribed in rule, is guilty of a misdemeanor.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected or repeated violations.

Sec. 15. Minnesota Statutes 1984, section 144A.10, subdivision 4, is amended to read:

Subd. 4. [CORRECTION ORDERS.] Whenever a duly authorized representative of the commissioner of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 144.651, 144A.01 to 144A.17, or 626.557 or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, state the suggested method of correction, and specify the time allowed for correction. If the commissioner finds that the nursing home had uncorrected or repeated violations (AND THAT TWO OR MORE OF THE UNCORRECTED VIOLATIONS) which create a risk to resident care, safety, or rights, the commissioner shall notify the commissioner of human services who shall (1) review reimbursement to the nursing home to determine the extent to which the state has paid for substandard care and, (2) furnish his or her findings and disposition to the commissioner of health within 30 days of notification.

Sec. 16. Minnesota Statutes 1984, section 144A.10, is amended by adding a subdivision to read:

Subd. 4a. [SUSPENSION OF ADMISSIONS.] If the commissioner issues a penalty assessment or if the nursing home has a repeated violation of that portion of Minnesota Rules, part 4655.5600, subdivision 2, establishing minimum nursing personnel requirements, the nursing home shall be prohibited from admitting new residents until correction is verified by a duly authorized representative of the commissioner. A nursing home shall notify the commissioner of health in writing when the violation is corrected. The facility shall be reinspected within three working days after the receipt of the notification.

Sec. 17. Minnesota Statutes 1984, section 144A.10, is amended by adding a subdivision to read:

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

Sec. 18. Minnesota Statutes 1984, section 144A.11, subdivision 2, is amended to read:

Subd. 2. [MANDATORY PROCEEDINGS.] The commissioner of health shall initiate proceedings within 60 days of notification to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of uncorrected or repeated violations:

(1) two or more uncorrected violations or one or more repeated violations which created an imminent risk to direct resident care or safety (, VIOLATED THE PATIENTS' BILL OF RIGHTS SECTION 144.651, OR VIOLATED THE VULNERABLE ADULTS REPORTING ACT, SECTION 626.557); or

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

Sec. 19. Minnesota Statutes 1984, section 144A.11, subdivision 3a, is amended to read:

Subd. 3a. [MANDATORY REVOCATION.] Notwithstanding the provisions of subdivision 3, the commissioner shall

revoke a nursing home license if a controlling person is convicted of a felony or gross misdemeanor punishable by a term of imprisonment of more than 90 days that relates to operation of the nursing home or directly affects resident safety or care. The commissioner shall notify the nursing home 30 days in advance of the date of revocation."

Renumber subsequent sections

Correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon insert "specifying nursing home correction orders or noncompliance violations and penalties;"

Page 1, line 23, delete "subdivision 5" and insert "subdivisions 5 and 7, and by adding a subdivision; 144A.04, subdivisions 4 and 6"

Page 1, line 24, after "3;" insert "144A.08, subdivision 3; 144A.10, subdivision 4, and by adding subdivisions; and 144A.11, subdivisions 2 and 3a;"

The motion prevailed and the amendment was adopted.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Onnen moved that the rule therein be suspended and an urgency be declared so that S. F. No. 903, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

Onnen moved that the rules of the House be so far suspended that S. F. No. 903, as amended, be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 903, 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; requiring nursing homes participating in the medical assistance program to be medicare certified; creating an appeal process for nursing home appraisals; authorizing the legislative commission on long-term health care to study cost containment strategies and collect data; requiring recovery of the federal

share of medical assistance overpayments; authorizing bingo in nursing homes and senior citizen housing projects; requiring review by the commissioners of human services and health of proposals for revenue bond financing of health facility projects; requiring a study of the feasibility of home equity conversion to finance long-term health care; appropriating money; 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.421, subdivision 1; 256B.431, subdivisions 2b, 3, and 4, and by adding a subdivision; 256B.50; 256B.504, subdivision 1; 349.214, by adding a subdivision; and 474.01, subdivisions 7a and 9; proposing coding for new law in Minnesota Statutes, chapter 144.

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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Tjornhom

The bill was passed, as amended, 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 that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1183.

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. 1183

A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

May 20, 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. 1183, 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. 1183 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 340.11, subdivision 15, is amended to read:

Subd. 15. [LICENSES NOT REQUIRED.] It is lawful for a brewer to sell intoxicating malt beverages to his employee or to a former employee who is retired because of age or physical disability. Such beverages shall be sold for consumption off the premises only, and the amount sold to any one person in any one week shall not exceed 768 fluid ounces. The requirements of law relating to minimum prices for the sale of intoxicating malt beverages shall not apply to sales made under this subdivision, nor shall any license be required for the making of such sales. It is (ALSO) lawful for a collector of commemorative bottles, as these terms are defined in section 340.44, to sell commemorative bottles to another collector without obtaining a license. *It is also lawful for a collector of beer cans to sell unopened cans of a brand which has not been sold commercially for at least two years to another collector without obtaining a license. The amount sold to any one collector in any one month shall not exceed 768 fluid ounces.* It is also lawful for an off-sale licensee or municipal liquor store to provide samples of wine, liqueurs, and cordials which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

Sec. 2. Minnesota Statutes 1984, section 340.11, is amended by adding a subdivision to read:

Subd. 24. [ON-SALE AND OFF-SALE LICENSES; INDIAN COUNTRY.] *Notwithstanding any law to the contrary, on-sale or off-sale licenses for the sale of intoxicating liquor or non-intoxicating malt liquor issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, to an Indian tribal member or Indian tribal entity for an establishment located within Indian country as defined under United States Code, title 18, section 1154, is valid with the approval of the commissioner. The commissioner shall approve the license if the establishment has complied with subdivisions 5a and 21, and sections 340.12, 340.13, 340.14, 340.73, and 340.731. An establishment issued a license under this subdivision is not required to obtain a license from any municipality, county, or town.*

Sec. 3. [340.147] [LICENSING OF BROKERS.]

Subdivision 1. [DEFINITION.] *"Broker" means a person who represents a distillery, winery, or importer, and is not an employee of the distillery, winery, or importer.*

Subd. 2. [LICENSE REQUIRED.] *All brokers and their employees must obtain a license from the commissioner. The*

annual license fee for a broker is \$300, for an employee of a broker the license fee is \$12. An application for a broker's license must be accompanied by a written statement from the distillery, winery, or importer the applicant proposes to represent verifying the applicant's contractual arrangement, and must contain a statement that the distillery, winery, or importer is responsible for the actions of the broker. The license shall be issued for one year. The broker, or employee of the broker may promote a vendor's product and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. The commissioner may revoke or suspend for up to 60 days a broker's license or the license of an employee of a broker if the broker or employee has violated any provision of chapter 340, or a rule of the commissioner relating to alcoholic beverages. The commissioner may suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its broker or employee of its broker has violated any provision of chapter 340, or rule of the commissioner relating to alcoholic beverages.

Subd. 3. [REPORTS.] A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and licensed retailers who received samples from the distillery, winery, or broker.

Sec. 4. [ON-SALE THEATER LICENSE.]

Notwithstanding Minnesota Statutes, section 340.11, subdivision 11, or a charter provision limiting the type of premises to be licensed, the city of Minneapolis may issue or renew an on-sale intoxicating liquor license issued to a person operating a theater that has a seating capacity in excess of 2,500. The license shall permit sale and consumption of liquor in any portion of the building comprising the licensed premises. All provisions of law and ordinance shall apply to a license issued or renewed under this section.

Sec. 5. Laws 1984, chapter 502, article 12, section 26, as amended by Laws 1985, chapter 3, section 3, is amended to read:

Section 26. [EFFECTIVE DATE.]

Sections 7 and 24 are effective the day following final enactment. Sections 9 and 10 are effective (JUNE) July 1, 1985. All other sections of this article are effective March 1, 1985. All licenses issued by local units of government under Minnesota Statutes 1982, sections 349.16 and 349.26 expire on February 28, 1985. An organization which held a local license to conduct lawful gambling on February 28, 1985, or which holds a license granted under section 4 may continue to conduct the forms of gambling

authorized by the local license without a license from the board until (JUNE) *July 1, 1985*, provided that the organization complies with the terms and conditions of the license in effect on February 28, 1985, or is in compliance with the emergency ordinance adopted under (SECTION 4) *this act*, if applicable.

Sec. 6. Laws 1985, chapter 3, section 4, is amended to read:

Sec. 4. [CITIES AND COUNTIES; TEMPORARY LICENSING AUTHORITY.]

A county or home rule charter or statutory city may by emergency ordinance establish a system for the licensing of organizations to operate gambling devices and to conduct raffles from (FEBRUARY 28) *May 31, 1985*, to (MAY 31) *June 30, 1985*. The system must be consistent with Minnesota Statutes 1982, chapter 349, and may include provisions to extend licenses in effect on (FEBRUARY 28) *May 31, 1985* until (MAY 31) *June 30, 1985* and charge a fee for the extension.

The emergency ordinance may go into effect without hearing, notice, or publication, but the county or city shall promptly, after adoption, hold hearings to consider any necessary alterations in the ordinance. No ordinance may remain in effect after (MAY 31) *June 30, 1985*. This section supersedes any inconsistent provision of law, charter, or ordinance.

Sec. 7. [EFFECTIVE DATE.]

Section 2 is effective within any Indian reservation where the governing body of the tribe having jurisdiction over that reservation has adopted an amendment to its tribal ordinance as provided by this section. The amendment to the tribal ordinance must provide that a nonintoxicating malt liquor or intoxicating liquor license issued to a non-Indian by a city, county, or town for an establishment located within Indian country, as defined under United States Code, title 18, section 1154, will be approved by the governing body of the tribe. The ordinance must also provide that no fee may be charged for approval.

Section 4 is effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021. Sections 5 and 6 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring the licensing of liquor brokers; changing the effective dates for licensing by the charitable gambling board;"

Page 1, line 8, before the period, insert “, Laws 1984, chapter 502, article 12, section 26, as amended; and Laws 1985, chapter 3, section 4; proposing coding for new law in Minnesota Statutes, chapter 340”

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

Senate Conferees: NEIL DIETERICH, STEVEN G. NOVAK and JIM GUSTAFSON.

House Conferees: TONY BENNETT, MARCUS MARSH and TOM OSTHOFF.

Bennett moved that the report of the Conference Committee on S. F. No. 1183 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

The bill was read for the 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.

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

There were 114 yeas and 9 nays as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|--------------|---------------|----------------|-------------|
| Anderson, G. | Dempsey | Jacobs | McLaughlin | Pappas |
| Anderson, R. | Dimler | Jaros | McPherson | Pauly |
| Backlund | Dyke | Jennings, L. | Metzen | Peterson |
| Battaglia | Elioff | Johnson | Minne | Piepho |
| Beard | Ellingson | Kahn | Munger | Piper |
| Becklin | Fjoslien | Kalis | Murphy | Poppenhagen |
| Begich | Forsythe | Kelly | Nelson, D. | Price |
| Bennett | Frederick | Kiffmeyer | Nelson, K. | Quinn |
| Blatz | Frederickson | Knickerbocker | Neuenschwander | Quist |
| Boerboom | Greenfield | Knuth | Norton | Redalen |
| Brandl | Gruenes | Krueger | O'Connor | Rees |
| Brown | Gutknecht | Kvam | Ogren | Riveness |
| Burger | Halberg | Levi | Olsen, S. | Rodosovich |
| Carlson, D. | Hartinger | Lieder | Omann | Sarna |
| Carlson, J. | Hartle | Long | Onnen | Schafer |
| Carlson, L. | Haukoos | Marsh | Osthoff | Scheid |
| Clausnitzer | Heap | McDonald | Otis | Schoenfeld |
| Cohen | Himle | McEachern | Ozment | Schreiber |

| | | | | |
|----------|----------|-----------|----------|-------------------|
| Seaberg | Skoglund | Tjornhom | Valan | Waltman |
| Segal | Sparby | Tomlinson | Valento | Welle |
| Shaver | Stanis | Tompkins | Vanasek | Wynia |
| Sherman | Sviggum | Tunheim | Vellenga | Spk. Jennings, D. |
| Simoneau | Thorson | Uphus | Voss | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-----------|---------|--------|
| DenOuden | Frerichs | Miller | Solberg | Wenzel |
| Erickson | Kostohryz | Olson, E. | Thiede | |

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

Mr. Speaker:

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

S. F. No. 401.

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. 401

A bill for an act relating to creditor's remedies; providing for an increase in the amount of farm machines and implements exemption; clarifying the garnishment limitation for the sale of farm products; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effective period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

May 20, 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. 401, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 401 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 47.20, subdivision 15, is amended to read:

Subd. 15. Notwithstanding the provisions of any other law to the contrary, any notice of default on homestead property as defined in section 583.02, mailed after May 24, 1983 and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, shall indicate that the borrower has 60 days from the date the notice is mailed in which to cure the default. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

Sec. 2. Minnesota Statutes 1984, section 550.37, subdivision 5, is amended to read:

Subd. 5. Farm machines and implements used in farming operations by a debtor engaged principally in farming, livestock, farm produce, and standing crops, not exceeding (\$5,000) \$10,000 in value.

Sec. 3. Minnesota Statutes 1984, section 550.37, subdivision 7, is amended to read:

Subd. 7. The total value of property selected by a debtor pursuant to subdivisions 5 and 6 shall not exceed (\$5,000) \$10,000.

Sec. 4. Minnesota Statutes 1984, section 550.37, subdivision 13, is amended to read:

Subd. 13. [(WAGES) EARNINGS.] All (WAGES) earnings not subject to garnishment by the provisions of section 571.55. A subsequent attachment, garnishment or levy of execution shall impound only that pay period's nonexempt disposable earnings not subject to a prior attachment, garnishment or levy of execution, but in no instance shall more than an individual's total nonexempt disposable earnings in that pay period be subject to attachment, garnishment or levy of execution. Garnishments shall impound the nonexempt disposable earnings in the order of their service upon the employer. The disposable earnings exempt from garnishment are exempt as a matter of right, whether claimed or not by the person to whom due. The exemptions may not be waived. The exempt disposable earnings are payable by the employer when due. The exempt disposable earnings shall also

be exempt for 20 days after deposit in any financial institution, whether in a single or joint account. This 20-day exemption also applies to any contractual set-off or security interest asserted by a financial institution in which the earnings are deposited by the individual. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. As used in this section, the term "financial institution" includes credit unions. Nothing in this paragraph shall void or supersede any valid assignment of (WAGES) *earnings* or transfer of funds held on account made prior to the attachment, garnishment, or levy of execution.

Sec. 5. Minnesota Statutes 1984, section 550.37, subdivision 14, is amended to read:

Subd. 14. [PUBLIC ASSISTANCE.] All relief based on need, and the (WAGES) *earnings* or salary of a person who is a recipient of relief based on need, shall be exempt from all claims of creditors including any contractual set-off or security interest asserted by a financial institution. For the purposes of this chapter, relief based on need includes AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance. The salary or (WAGES) *earnings* of any debtor who is or has been a recipient of relief based on need, or an inmate of a correctional institution shall, upon his return to private employment or *farming* after having been a recipient of relief based on need, or an inmate of a correctional institution, be exempt from attachment, garnishment, or levy of execution for a period of six months after his return to employment or *farming* and after all public assistance has been terminated. The exemption provisions contained in this subdivision also apply for 60 days after deposit in any financial institution, whether in a single or joint account. In tracing the funds, the first-in first-out method of accounting shall be used. The burden of establishing that funds are exempt rests upon the debtor. Agencies distributing relief and the correctional institutions shall, at the request of creditors, inform them whether or not any debtor has been a recipient of relief based on need, or an inmate of a correctional institution, within the preceding six months.

Sec. 6. Minnesota Statutes 1984, section 550.37, subdivision 24, is amended to read:

Subd. 24. [EMPLOYEE BENEFITS.] The debtor's right to receive (A PAYMENT) *present or future payments*, or payments received by the debtor, under a stock bonus, pension, profit sharing, annuity, *individual retirement account, individual retirement annuity, simplified employee pension*, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

Sec. 7. Minnesota Statutes 1984, section 559.21, subdivision 6, is amended to read:

Subd. 6. [TEMPORARY MINIMUM NOTICE.] (a) Notwithstanding the provisions of any other law to the contrary, no contract for conveyance of homestead property, as defined in section 583.02, shall terminate until 60 days after service of notice if the notice is served after May 24, 1983, and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987, or 90 days after service of notice if the contract was entered into after May 1, 1980 and the contract vendee has paid 25 percent or more of the purchase price. The notice shall specify this 60- or 90-day period. The notice shall include a statement that the borrower may be eligible for an extension of the time prior to foreclosure and execution sale under sections 583.01 to 583.12.

(b) *The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distinguish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.*

(c) This section does not apply to earnest money contracts, purchase agreements or exercised options.

Sec. 8. Minnesota Statutes 1984, section 565.25, subdivision 2, is amended to read:

Subd. 2. (a) Except as otherwise provided in clause (b) and section 9, the respondent may retain or regain possession of the property by filing of a bond approved by the court conditioned that the property shall be delivered to the claimant, if delivery be adjudged, and for the payment to the claimant of any sum adjudged against the respondent. The bond shall be in an amount 1-1/4 times the fair market value of the property or 1-1/2 times the amount of the claimant's claim, whichever is less. An order for seizure may specify a time limitation within which the bond must be filed. For the purpose of protecting or preserving the property pending final hearing on the merits, the court may in extraordinary circumstances, which shall be specified in its order, provide that the respondent may not retain or regain possession of the property upon rebonding, or may limit or condition the right to retain or regain the property upon rebonding. The costs of regaining possession of the property from the sheriff or the claimant shall be borne by respondent except as set forth in clause (b).

(b) If at a hearing following seizure of property pursuant to section 565.24 claimant fails to establish a right to continued possession, the court shall order the property returned to respondent, the costs to be borne by claimant. The court may order claimant's bond to continue in an amount sufficient to offset damages claimed by respondent by reason of the seizure.

Please take notice that a Garnishment Summons may be served upon your employer or other third parties, without any

further court proceedings or notice to you, ten days or more from the date hereof. Your (WAGES) *earnings* are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months. Relief based on need includes, only AFDC, general assistance medical care, supplemental security income, medical assistance, Minnesota supplemental assistance, and general assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor's attorney and the garnishee.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt.

PENALTIES

1. Be advised that even if you claim an exemption, a Garnishment Summons may still be served on your employer. If your (WAGES) *earnings* are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

2. HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

3. If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney fees plus an amount not to exceed \$100.

Dated:

.....
(Attorney for) Judgment Creditor

Address

Telephone

I hereby claim under penalty of perjury that my (WAGES) *earnings* are exempt from garnishment because:

(1) I am presently a recipient of relief based on need.
(Specify the program, case number, and the county from which relief is being received.)

| | | |
|---------|------------------------|--------|
| | | |
| Program | Case Number (if known) | County |

(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

| | | |
|---------|------------------------|--------|
| | | |
| Program | Case Number (if known) | County |

(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

| | |
|--------------------------|----------|
| | |
| Correctional Institution | Location |

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named creditor or his attorney whether or not I was a recipient of relief based on need or an inmate of a correctional institution within the last six months.

.....
Judgment Debtor

Address

Sec. 11. Minnesota Statutes 1984, section 571.41, subdivision 7, is amended to read:

Subd. 7. [FORM OF EXEMPTION NOTICE.] The notice informing a judgment debtor that a writ of attachment, garnishee summons, or levy of execution has been used to attach and bind funds of the judgment debtor to satisfy a claim shall be substantially in the following form:

EXEMPTION NOTICE

STATE OF MINNESOTA

COUNTY OF Court

..... (Judgment Creditor)

..... (Judgment Debtor)

To (Judgment Debtor):

A writ of attachment, garnishee summons, or levy of execution (strike inapplicable language) has been served on
..... (Bank or other Financial Institution)
..... where you have an account.

Your account balance is \$.....

The amount being held is \$.....

However, the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) Relief based on need. This includes AFDC, Medical Assistance, Supplemental Security Income (SSI), Minnesota Supplemental Assistance, General Assistance, and General Assistance Medical Care.

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance).

(3) Unemployment compensation, workers' compensation, or veteran's benefits.

(4) An accident, disability, or retirement pension or annuity.

(5) Life insurance proceeds, or the earnings of your minor child.

(6) Money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(7) All (WAGES) *earnings* of a person in category (1).

(8) All (WAGES) *earnings* of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months.

(9) Seventy-five percent of every (WAGE EARNER'S) *debtor's* after tax earnings.

(10) All of a (WAGE EARNER'S) *debtor's* after tax earnings below 40 times the federal minimum wage (this equals \$134 for a 40-hour week).

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (9) and (10) : 20 days.

Categories (7) and (8) : 60 days.

All others : no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION :

Fill out, sign, and mail or deliver one copy of this exemption claim form to the institution which sent you this notice, and one copy to the judgment creditor. Both copies must be mailed or delivered on the same day.

If they don't get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be frozen until it is decided.

IF YOU CLAIM AN EXEMPTION :

(1) Nonexempt money can be turned over to the creditor or sheriff ;

(2) The financial institution will keep holding the money claimed to be exempt ; and

(3) Seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM :

(1) The institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN 10 DAYS after the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION :

At any time after your funds have been frozen, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the clerk of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Date

(Attorney for) Judgment Creditor

Address

EXEMPTION:

(a) Amount of exemption claim.

/ / I claim ALL the funds being held are exempt.

/ / I claim SOME of the funds being held are exempt. The exempt amount is \$.....

(b) Basis for exemption.

Of the ten categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

Dated:

Judgment Debtor

Address

Sec. 12. Minnesota Statutes 1984, section 571.42, is amended to read:

571.42 [EFFECT OF SERVICE OF SUMMONS.]

Subdivision 1. [ATTACH FOR JUDGMENT.] Except as provided in sections 571.43 and 571.50, service of the garnishee summons upon the garnishee shall attach and bind, to respond to final judgment in the action, all personal property of the judg-

ment debtor in his possession or under his control and all indebtedness owing by him to the judgment debtor at the time of service and all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 60 days thereafter.

Subd. 2. [PROPERTY ATTACHED.] Subject to the provisions of sections 550.37 and 571.55 all moneys, all nonexempt disposable earnings earned or to be earned within that pay period and within (30) 60 days thereafter and other personal property including property of any kind due from or in the hands of an executor, administrator, receiver or trustee and all written evidences of indebtedness whether negotiable or not or under or overdue may be attached by garnishment, and money or any other thing due or belonging to the judgment debtor may be attached by this process before it has become payable if its payment or delivery does not depend upon any contingency, but the garnishee shall not be compelled to pay or deliver it before the time appointed by the contract.

Sec. 13. Minnesota Statutes 1984, section 571.495, subdivision 3, is amended to read:

Subd. 3. [FORM OF DISCLOSURE.] A garnishment disclosure form must be served upon the garnishee. The disclosure shall be substantially in the following form:

STATE OF MINNESOTA)

) ss

County of) Court

.....
Judgment Creditor

vs.

.....
Judgment Debtor

and

.....
Garnishee

I am the of the garnishee herein, and duly authorized to disclose for said garnishee.

On the day of, 19..., the time of service of garnishee summons herein on said garnishee, there was due and owing the judgment debtor above named from said garnishee the following:

(1) **Earnings.** For the purposes of garnishment, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both that past pay period and the current pay period.

(a) Enter on the line below the amount of disposable earnings earned or to be earned by the judgment debtor within the judgment debtor's pay periods which may be subject to garnishment.

.....

(b) Enter on the line below 40 times the hourly federal minimum wage times the number of work weeks within the judgment debtor's pay periods which may be subject to garnishment. When such pay periods consists of other than a whole number of work weeks, each day of a pay period in excess of the number of completed work weeks shall be counted as a fraction of a work week equal to the number of work days divided by the number of work days in the normal work week.

.....

(c) Enter on the line below the difference obtained (never less than zero) when line (b) is subtracted from line (a).

.....

(d) Enter on the line below 25 percent of line (a).

.....

(e) Enter on the line below the lesser of line (c) and line (d).

.....

(2) **Money.** Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the garnishee.

.....

(3) Property. Describe on the line below any personal property, instruments or papers belonging to the judgment debtor and in the possession of the garnishee.

.....

(4) Set-off. Enter on the line below the amount of any set-off, defense, lien or claim which the garnishee claims against the amount set forth on lines (1) (e), (2) and (3) above. Allege the facts by which such set-off, defense, lien or claim is claimed. (Any indebtedness to a (GARNISHEE EMPLOYER) *garnishee* incurred by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded.)

.....

(5) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(6) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property. (Any assignment of wages made by the judgment debtor within 10 days prior to the receipt of the first garnishment on a debt is void and should be disregarded. State the names and addresses of such persons and the nature of their claim, if known.)

.....

(7) Enter on the line below the total of lines (4), (5) and (6).

.....

(8) Enter on the line below the difference obtained (never less than zero) when line (7) is subtracted from the sum of lines (1) (e), (2) and (3).

.....

(9) Enter on the line below 110 percent of the amount of the judgment creditor's judgment which remains unpaid.

.....

(10) Enter on the line below the lesser of line (8) and line (9). As garnishee, you are hereby instructed to retain this amount only if it is \$10 or more.

.....
Authorized Representative of Garnishee

.....
Title

Subscribed and sworn to before me

This day of, 19.....

.....
Notary Public

..... County, Minnesota.

Sec. 14. Minnesota Statutes 1984, section 571.55, subdivision 1, is amended to read:

Subdivision 1. For the purposes of this section, "earnings" means compensation paid or payable for personal service or compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld.

Sec. 15. Minnesota Statutes 1984, section 580.031, is amended to read:

580.031 [(TEMPORARY) MINIMUM NOTICE.]

(a) Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead, as defined in section 583.02, if the notice is published for the first time after May 24, 1983 and prior to May 1, 1985 or after the effective date of this section and prior to May 1, 1987. The notice must contain the information specified in section 580.04.

(b) The notice must be in bold type, capitalized letters, or other form sufficient for the reader to quickly and easily distin-

guish the notice from the rest of the writing; violation of this requirement is a petty misdemeanor.

(c) At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

Sec. 16. Minnesota Statutes 1984, section 583.02, is amended to read:

583.02 [DEFINITIONS.]

As used in (SECTIONS 583.01 TO 583.12) *this chapter*, the term "homestead" means residential or agricultural real estate, a portion or all of which, *at the time of the filing of the petition under section 583.04, is occupied by the owner and is entitled to receive homestead credit under section 273.13, (SUBDIVISION 15a) or would be entitled to receive the credit if it remained the residence of the owner on June 1 of the current year or January 2 of the next year.*

Sec. 17. Minnesota Statutes 1984, section 583.03, subdivision 2, is amended to read:

Subd. 2. [GENERAL EXCLUSION.] The provisions of sections 47.20, subdivision 15, 559.21, subdivision 6, 580.031, and 583.01 to 583.12 do not apply to mortgages or contracts for deed made after (MAY 24, 1983) *the effective date of this act*, nor to mortgages or contracts for deed made before (MAY 24, 1983,) *the effective date of this act* which are renewed or extended after (MAY 24, 1983) *the effective date of this act*, for a period longer than one year, nor to mortgages, judgments, or contracts for deed, regardless of when made, if a second or subsequent mortgage is made against the property after (MAY 24, 1983) *the effective date of this act*.

No court shall allow a stay (,) or postponement, or extension of time that would cause any right to be lost or adversely affected by any statute of limitation.

Sec. 18. Minnesota Statutes 1984, section 583.04, is amended to read:

583.04 [MORTGAGOR MAY APPLY TO DISTRICT COURT FOR RELIEF.]

Any mortgagor, or owner in possession of the mortgaged premises *including farm homestead premises*, or anyone claiming under the mortgage, or anyone liable for the mortgage debt, may at any time after the issuance of the notice of (THE FORECLOSURE PROCEEDINGS) *default* and prior to the

sale, petition the district court of the county where the foreclosure proceedings are pending, serving a summons and verified (COMPLAINT) *petition* requesting that the sale in foreclosure be postponed for up to six months or, in the case of a farm homestead located on more than ten acres, for up to 12 months. A contract for deed vendee or anyone claiming under the contract or liable for the contract payment, in any case where the contract has not yet been terminated as of May 24, 1983, may petition the district court in the same manner, requesting that the contract termination be (DELAYED) *postponed* for up to 90 days. Upon receiving the petition, the court shall order a stay in the foreclosure proceedings or *contract termination* until after the hearing on the petition. (AS A CONDITION PRECEDENT TO THE POSTPONEMENT OF THE FORECLOSURE SALE, THE PARTY SERVING THE VERIFIED COMPLAINT SHALL FILE IT AND PAY TO THE CLERK FOR THE PERSON FORECLOSING THE MORTGAGE THE ACTUAL COSTS INCURRED, INCLUDING ATTORNEY'S FEES, IN THE FORECLOSURE PROCEEDING BEFORE POSTPONEMENT. AS A CONDITION PRECEDENT TO DELAY OF THE CONTRACT TERMINATION, THE PARTY SEEKING RELIEF SHALL FILE THE VERIFIED COMPLAINT AND PAY TO THE CLERK FOR THE PERSON CANCELING THE CONTRACT, THE ACTUAL COSTS, INCLUDING ATTORNEY'S FEES INCURRED IN THE CANCELLATION. IF PAYMENT IS MADE BY OTHER THAN CASH OR CERTIFIED CHECK, THE ORDER POSTPONING THE SALE OR TERMINATION IS NOT FINAL UNTIL AFTER THE CHECK OR OTHER NEGOTIABLE INSTRUMENT HAS BEEN PAID.) *The court may order costs and attorney fees to be paid by the person applying for relief. If the court orders attorney fees to be paid, the amount may not exceed \$150 or one-half of the attorney fees allowed in section 582.01, whichever is less. The court may order the attorney fees to be prorated and combined with payments ordered under section 583.08. The court may not order attorney fees to be paid by the person applying for relief, if the person is receiving public assistance or legal aid for their own legal representation.*

Sec. 19. Minnesota Statutes 1984, section 583.05, is amended to read:

583.05 [COURT MAY ORDER (DELAY IN) *POSTPONEMENT OF SALE; FINDINGS.*]

The court may consider the following criteria in determining whether or not to order a (DELAY IN) *postponement* of the sale or contract termination:

(1) that the petitioner is unemployed, underemployed, facing catastrophic medical expenses, or facing economic problems due to low farm commodity prices; and

(2) that the petitioner has an inability to make payments on the mortgage or contract for deed.

If the court (GRANTS OR) denies a (DELAY IN) *postponement* of the sale, the mortgagee shall publish notice of the new sale date as provided in section 580.03. *If the court grants a postponement of the sale, the mortgagee shall not publish notice of a new sale date as provided in section 580.03 until the postponement period has expired, except as provided in section 583.08.* Section 580.07 does not apply to foreclosure sales postponed by a court pursuant to sections 583.01 to 583.12.

Sec. 20. Minnesota Statutes 1984, section 583.07, is amended to read:

583.07 [REDUCTION OF REDEMPTION PERIOD.]

If the court grants a (DELAY IN) *postponement* of the foreclosure sale pursuant to sections 583.01 to 583.12, the redemption period pursuant to section 580.23 (SHALL) *may* be reduced by an equivalent period of time provided, that in no event shall the redemption period be less than 30 days. If the court does not grant a (DELAY IN) *postponement* of the foreclosure sale, the redemption period shall be as provided in section 580.23.

Sec. 21. Minnesota Statutes 1984, section 583.10, is amended to read:

583.10 [HEARING.]

The court shall schedule and hold a hearing on the petition (MUST BE HELD) within 30 days after the filing of the petition. The order therein must be made and filed within five days after the hearing. Review by the supreme court may be had by certiorari, if application for the writ is made within 15 days after notice of the order. The writ is returnable within 30 days after the filing of the order.

Sec. 22. Minnesota Statutes 1984, section 223A.01, as added by S. F. No. 919, section 6, if enacted by the 1985 regular session, is amended to read:

223A.01 [FARM PRODUCTS THAT ARE BOUGHT SUBJECT TO A SECURITY INTEREST.]

Subdivision 1. [REGISTERED BUYER TAKES FREE OF SECURITY INTEREST UNLESS NOTIFIED.] A buyer in the ordinary course of business who is a registered buyer in the county of the seller's residence under section 386.42, and who

purchases farm products from a person engaged in farming operations takes free of a security interest created by the seller even though the security interest is perfected and the buyer knows of its existence, unless the buyer is notified of the security interest as provided in subdivision (4) 3.

Subd. 2. [BUYERS THAT PURCHASE SUBJECT TO A SECURITY INTEREST.] A buyer in the ordinary course of business that is registered under section 386.42 in the seller's county of residence who is notified by a secured party as provided under subdivision 3, purchases farm products from a person engaged in farming operations subject to the perfected security interest. A buyer who is not registered under section 386.42 in the seller's county of residence purchases farm products from a person engaged in farming operations subject to perfected security interests.

A buyer who purchases farm products subject to a security interest under this (SECTION) subdivision shall include the name of the secured party as joint payee on any check or other instrument issued in payment for the farm products, unless the secured party gives the buyer written notice of waiver of this requirement. Issuance of joint payment as herein required relieves the buyer of any further liability to the secured party.

Subd. 3. [NOTIFICATION OF SECURITY INTEREST.] A secured party may, by certified mail or another method by which receipt can be verified, notify a buyer that a debtor has farm products subject to a security interest.

The notification is effective upon receipt until September 1 after the notification is made; or for a notification made after August 20 but before September 1, the notification is effective for one year beginning September 1. A buyer who receives notification from a secured party under this subdivision shall not publicly post or disseminate to any person, other than its agents and employees who reasonably require the information for purposes related to this (ACT) section, any information contained in the notification.

A secured party that furnishes to a buyer a list of debtors who have farm products subject to a security interest is not liable to a debtor whose name is on the list for furnishing the list.

Subd. 4. [COMMISSION MERCHANT.] *Notwithstanding section 336.1-201, subsection (9), a commission merchant or selling agent who sells farm products for another for a fee, that is a registered buyer under section 386.42, is a buyer in the ordinary course of business under this chapter and section 336.9-307, subsection (1), for transactions involving farm products.*

Sec. 23. Minnesota Statutes 1984, section 336.9-307, as amended by S. F. No. 919, section 7, if enacted by the 1985 regular session, is amended to read:

336.9-307 [PROTECTION OF BUYERS OF GOODS.]

(1) A buyer in ordinary course of business (subsection (9) of section 336.1-201) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence, except that a buyer in the ordinary course of business who purchases farm products from a person engaged in farming operations is subject to section (386.42) *223A.01*.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45 day period.

Sec. 24. Minnesota Statutes 1984, section 336.9-402, is amended to read:

336.9-402 [FORMAL REQUISITES OF FINANCING STATEMENT; AMENDMENTS; MORTGAGE AS FINANCING STATEMENT.]

(1) A financing statement is sufficient if it gives the name of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned and the name of the record owner thereof. *The financing statement may only cover the crops grown by a debtor in a single growing season and may not cover other collateral.* When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5)

of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 336.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed within one year; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)); or

(e) a lien filed pursuant to Minnesota Statutes, chapter 514; or

(f) collateral which is subject to a filed judgment.

(2a) Except for documents filed under clauses (e) and (f), the reason for the omission of the debtor signature must be stated on the front of the financing statement.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

.....

Address

.....

Name of secured party (or assignee)

.....

Address

.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate and the name of the record owner thereof)

.....

3. (If applicable) The above goods are to become fixtures on (Describe real estate) and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

4. (If products of collateral are claimed)

Products of the collateral are also covered.

Use whichever signature line is applicable.

Signature of debtor (or assignor)

.....

Signature of secured party (or assignee)

.....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. If the sole purpose of the amendment is to change the name or address of the secured party, only the secured party need sign the amendment. A writing is sufficient if it sets forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amend-

ment, the file number and date of filing of the financing statement. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or a financing statement filed as a fixture filing (section 336.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. No description of the real estate or the name of the record owner thereof is required for a fixture filing where the debtor is a transmitting utility. Notwithstanding the foregoing a general description of the real estate is sufficient for a fixture filing where a railroad is the record owner of the real estate on which the fixtures are or are to be located; and for the purposes of this subsection, the requirement of a general description is satisfied if the fixture filing (1) identifies the section, township and range numbers of the county in which the land is located; (2) identifies the quarter-quarter of the section that the land is located in; (3) indicates the name of the record owner of the real estate; and (4) states the street address of the real estate if one exists.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing

statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement, amendment, continuation, assignment, release, or termination substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

Sec. 25. Minnesota Statutes 1984, section 336.9-403, is amended to read:

336.9-403 [WHAT CONSTITUTES FILING; DURATION OF FILING; EFFECT OF LAPSED FILING; DUTIES OF FILING OFFICER.]

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in (SUBSECTION) *subsections* (6) and (9) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later regardless of whether the financing statement filed as to that security interest is destroyed by the filing officer pursuant to subsection (3). Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, identify the original statement by file number and filing date, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the

original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. If insolvency proceedings are commenced by or against the debtor, the secured party shall notify the filing officer both upon commencement and termination of the proceedings, and the filing officer shall not destroy any financing statements filed with respect to the debtor until termination of the insolvency proceedings. The security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The secretary of state shall prescribe uniform forms for statements and samples thereof shall be furnished to all filing officers in the state. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be \$10, plus in each case, if the financing statement is subject to subsection (5) of section 336.9-402, \$5. An additional fee of \$5 shall be collected if more than one name is required to be indexed or if the secured party, at his option, shows a trade name for any debtor listed. There shall be no fee collected for the filing of an amendment to a financing statement if the amendment is in the standard form prescribed by the secretary of state and does not add additional debtor names to the financing statement. The fee for an amendment adding additional debtor names shall be \$5 if the amendment is in the form prescribed by the secretary of state and, if otherwise, \$10. The fee for an amendment which is not in the form prescribed by the secretary of state but which does not add additional names shall be \$5.

The secretary of state shall adopt rules for filing, amendment, continuation, termination, removal, and destruction of financing statements.

(6) If the debtor is a transmitting utility (subsection (5) of section 336.9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 336.9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or, for filing offices other than the secretary of state, where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described. If requested of the filing officer on the financing statement, a financing statement filed for record as a fixture filing in the same office where nonfixture filings are made is effective, without a dual filing, as to collateral listed thereon for which filing is required in such office pursuant to section 336.9-401 (1) (a); in such case, the filing officer shall also index the recorded statement in accordance with subsection (4) using the recording data in lieu of a file number.

(8) The fees provided for in this article shall supersede the fees for similar services otherwise provided for by law except in the case of security interests filed in connection with a certificate of title on a motor vehicle.

(9) A financing statement that covers crops growing or to be grown is effective for a period of two years. A continuation statement may be filed for the products of the crop covered in the original financing statement. A continuation statement is effective for a period of two years and may be filed within six months prior to the expiration of the two-year period for the financing statement.

Sec. 26. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, (1985) 1987, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 27. [EFFECTIVE DATE.]

Sections 4 to 6, and 8 to 14 are effective July 1, 1985. Sections 24 and 25 are effective for crops planted after September 1, 1985. The remaining sections of this act are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to creditor's remedies; providing for an increase in the amount of farm machines and implements exemption; clarifying the garnishment limitation for the sale of farm products; extending the effective period of a garnishee summons; modifying and extending remedies for persons defaulting on homesteads; making technical changes related to persons buying farm products; requiring certain time limits and descriptions for crop financing statements; amending Minnesota Statutes 1984, sections 47.20, subdivision 15; 223A.01; 336.9-307, as amended; 336.9-402; 336.9-403; 550.37, subdivisions 5, 7, 13, 14, and 24; 559.21, subdivision 6; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; 571.55, subdivision 1; 580.031; 583.02; 583.03, subdivision 2; 583.04; and Laws 1983, chapter 215, section 16, as amended."

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

Senate Conferees: GARY M. DECramer, RANDOLPH W. PETERSON and RON SIELOFF.

House Conferees: TERRY M. DEMPSEY, K. J. McDONALD and RICHARD J. COHEN.

Dempsey moved that the report of the Conference Committee on S. F. No. 401 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Simoneau moved to lay the Conference Committee Report on S. F. No. 401 on the table. The motion did not prevail.

S. F. No. 401, A bill for an act relating to creditor's remedies; providing for an increase in the amount of farm machines and implements exemption; clarifying the garnishment limitation for the sale of farm products; authorizing the court to allow the respondent in a replevin action to retain or regain possession without posting a bond; authorizing the court to stay an action to recover possession for up to six months; extending the effec-

tive period of a garnishee summons; amending Minnesota Statutes 1984, sections 550.37, subdivisions 5, 7, 13, 14, and 24; 565.25, subdivision 2; 571.41, subdivisions 6 and 7; 571.42; 571.495, subdivision 3; and 571.55, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 565.

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.

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

There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker Metzen Osthoff Voss

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

Mr. Speaker:

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

S. F. No. 43.

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. 43

A bill for an act relating to transportation; regulating motor carriers; establishing gross vehicle weight limits for courier service vehicles; providing that hours of service rules do not apply to farm vehicles; exempting certain farm vehicles from the vehicle identification rule; providing for rescission of canceled permits if a carrier has insurance coverage; excluding modular home movers from regulation as building movers; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 174A.06; 221.011, subdivisions 13 and 25; 221.025; 221.031, subdivisions 2 and 6; 221.131, by adding a subdivision; 221.161, subdivision 1; 221.185, subdivision 4, and by adding a subdivision; 221.231; 221.291, subdivision 1; 221.65; 221.67; 221.68; 221.81, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66.

May 20, 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. 43, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments and that S. F. No. 43 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 117.075, is amended to read:

117.075 [COURT TO APPOINT COMMISSIONERS.]

Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may

be adjourned, shall hear all competent evidence offered for or against the granting of the petition, regulating the order of proof as it may deem best. If the proposed taking shall appear to be necessary and such as is authorized by law, the court by an order shall appoint three disinterested commissioners, and at least two alternates, residents of the county, to ascertain and report the amount of damages that will be sustained by the several owners on account of such taking.

Before appointing a commissioner, the court shall inquire whether each prospective commissioner has any relationship, business or otherwise, to any of the parties in the proceeding, or any interest in the proceeding which may constitute a conflict of interest, or which may create the appearance of impropriety should that person be appointed. Responses to this inquiry must be either written or on the record and made available by the court to any party in the proceeding before and after appointment. No person who might have difficulty in rendering an unbiased decision may be appointed to serve. The court, in its discretion, may appoint one registered, practicing attorney to the commission who is knowledgeable in eminent domain matters. All other commissioners appointed must be persons actively engaged in the occupation of real estate sales or real estate appraising or persons knowledgeable in real estate values. The order shall fix the time and place of the first meeting of the three commissioners and prescribe their compensation. (IT) At the first meeting at the office of the clerk of district court the appointees must be sworn by the clerk or an authorized deputy and shall take and sign the following oath before assuming their duties as commissioners:

(TITLE OF PROCEEDING)

..... each for himself/herself
does swear under penalty of perjury as follows:

I will faithfully and justly perform to the best of my ability, all the duties of the office and trust which I now assume as commissioner in the above entitled proceeding. I further swear that, except as disclosed in writing or on the record, I have no interest in any of the lands in the above proceeding or any present or past relationship, business or personal, with any of the parties to the above proceeding or any other actual or potential conflict of interest, and that I will render fair and impartial decisions, so help me God.

The order may, in the discretion of the court, limit the title or easement to be acquired by the petitioner by defining the rights and privileges which the owner of any of the lands may exercise therein in subordination to the public uses to which it is appropriated. In case any (OF THE COMMISSIONERS FAIL) commissioner fails to act or fails to meet the qualifica-

tions required by this section, the court without further notice may appoint another in his or her place.

The clerk of court in each county shall post in the courthouse in a prominent place a notice that a qualified person may apply to have his or her name placed upon a list of potential commission appointees for eminent domain proceedings. The notice must contain the language of the oath which the commissioners are required to take upon appointment and shall list the other qualifications set forth in this section. The court shall give due consideration to the names appearing on the list, but is not bound to make appointments from the list.

Sec. 2. Minnesota Statutes 1984, section 161.20, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF PROPERTY; BUILDINGS; RELOCATION OF CORNERS; AGREEMENTS WITH RAILROADS; CONTRACTS.] (HE) *The commissioner is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as (HE) the commissioner deems necessary, all lands and properties necessary in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver license examinations; to maintain, repair, or remodel such buildings as may be necessary; to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder; to make agreements with any county for the relocation or re-establishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or re-establishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out (HIS) duties, to let all necessary contracts in the manner prescribed by law. The commissioner may make agreements with and cooperate with any governmental authority for the purpose of effectuating the provisions of this chapter.*

Sec. 3. [161.315] [PROTECTION OF PUBLIC CONTRACTS.]

Subdivision 1. [LEGISLATIVE INTENT.] Recognizing that the preservation of the integrity of the public contracting process of the department of transportation is vital to the development of a balanced and efficient transportation system and a matter of interest to the people of the state, the legislature hereby determines and declares that:

(1) the procedures of the department for bidding and awarding department contracts exist to secure the public benefits of free and open competition and to secure the quality of public works;

(2) the opportunity to be awarded department contracts or to supply goods or services to the department is a privilege, not a right; and

(3) the privilege of transacting business with the department or local road authority should be denied to persons convicted of a contract crime in order to preserve the integrity of the public contracting process.

Subd. 2. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision.

(a) "Affiliate" means a predecessor or successor of a person under the same or substantially the same control, or a group of entities so connected or associated that one entity controls or has the power to control each of the other entities. "Affiliate" includes the affiliate's principals. One person's ownership of a controlling interest in another entity or a pooling of equipment or income among entities is prima facie evidence that one entity is an affiliate of another.

(b) "Contract crime" means a violation of state or federal antitrust law, fraud, theft, embezzlement, bribery, forgery, misrepresentation, making false statements, falsification or destruction of records, or other criminal offense in connection with obtaining, attempting to obtain, or performing a public or private contract or subcontract.

(c) "Conviction" has the meaning given it in section 609.02, subdivision 5.

(d) "Debar" means to disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

(e) "Person" means a natural person or a business, corporation, association, partnership, sole proprietorship, or other entity

formed to do business as a contractor, subcontractor, or material supplier and includes an affiliate of a person.

(f) "Pooling" means a combination of persons engaged in the same business or combined for the purpose of engaging in a particular business or commercial venture and who all contribute to a common fund or place their holdings of a given stock or other security in the hand and control of a managing member or committee of the combination.

(g) "Suspend" means to temporarily disqualify from receiving a contract or from serving as a subcontractor or material supplier as provided by Laws 1984, chapter 654, article 2, section 8.

Subd. 3. [PROHIBITIONS.] Except as provided in subdivision 4:

(1) neither the commissioner nor a county, town, or home-rule or statutory city may award or approve the award of a contract for goods or services to a person who is suspended or debarred;

(2) neither the commissioner nor a county, town, or home-rule or statutory city may award or approve the award of a contract for goods or services under which a debarred or suspended person will serve as a subcontractor or material supplier; and

(3) a person to whom a contract for goods or services has been awarded may not subcontract with or purchase materials or services from a debarred or suspended person for performance of that contract.

Subd. 4. [EXCEPTIONS.] The commissioner may terminate a debarment by order, or the commissioner or a county, town, or home-rule or statutory city may award a contract to a debarred or suspended person when:

(1) that person is the sole supplier of a material or service required by the commissioner or a county, town, or home-rule or statutory city;

(2) the commissioner determines that an emergency exists as defined in section 161.32, subdivision 3;

(3) the commissioner of administration determines that an emergency exists as defined in section 16B.08, subdivision 6;

(4) in the case of a contract to be awarded by a county, town, or home rule or statutory city, the governing body thereof determines by resolution that an emergency exists that will result in a road, street, or bridge being closed to travel; or

(5) *the contract is for purchasing materials or renting equipment for routine road maintenance.*

Subd. 5. [DURATION OF DEBARMENT.] A person who has been convicted of a contract crime must be debarred for a period of not less than one year. This subdivision applies to contract crime violations which occur after June 30, 1985.

Subd. 6. [PREEXISTING CONTRACTS.] The disqualification of a contractor or its affiliate does not affect the contractor's or its affiliate's obligations under any preexisting contract.

Sec. 4. Minnesota Statutes 1984, section 162.07, subdivision 2, is amended to read:

Subd. 2. [MONEY NEEDS DEFINED.] For the purpose of this section, money needs of each county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county state-aid highway system in that county. Costs incidental to construction, or a specified portion thereof as set forth in the commissioner's rules and regulations may be included in determining money needs. (WHEN A COUNTY STATE-AID HIGHWAY IS LOCATED OVER A STREET IN A CITY HAVING A POPULATION OF 5,000 OR MORE, ONLY THE CONSTRUCTION COSTS OF THE CENTER 24 FEET OF THE STREET SHALL BE INCLUDED IN THE MONEY NEEDS OF THAT COUNTY; PROVIDED, THAT WHEN TRAFFIC VOLUMES WARRANT MULTIPLE OR DIVIDED LANE HIGHWAYS THE CONSTRUCTION COSTS OF THE NECESSARY NUMBER OF 12 FOOT LANES REQUIRED FOR THROUGH TRAFFIC MAY BE INCLUDED IN THE MONEY NEEDS. WHEN A COUNTY STATE-AID HIGHWAY IS LOCATED OVER A STREET IN ANY CITY OF LESS THAN 5,000 POPULATION, THE CONSTRUCTION COSTS OF THE ENTIRE WIDTH OF THE ROADWAY OR STREET SURFACE SHALL BE INCLUDED IN THE MONEY NEEDS OF THAT COUNTY.) To avoid variances in costs due to differences in construction policy, construction costs shall be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties. Any variance granted pursuant to section 162.02, subdivision 3a shall be reflected in the estimated construction costs in determining money needs.

Sec. 5. Minnesota Statutes 1984, section 162.07, subdivision 3, is amended to read:

Subd. 3. [COMPUTATIONS FOR RURAL COUNTIES.] A two-thirds of one mill levy on each rural county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of

such county. For the purpose of this section, rural counties shall be construed to mean all counties having a population of less than (200,000) 175,000.

Sec. 6. Minnesota Statutes 1984, section 162.07, subdivision 4, is amended to read:

Subd. 4. [COMPUTATION FOR URBAN COUNTIES.] A four-tenths mill levy on each urban county's total taxable valuation for the last preceding calendar year shall be computed and shall be subtracted from such county's total estimated construction costs. The result thereof shall be the money needs of the county. For the purpose of this section urban counties shall be construed to mean all counties having a population of (200,000) 175,000 or more.

Sec. 7. [162.071] [SPECIAL PROVISIONS.]

The following provisions apply to county state-aid apportionments in calendar years 1986 and 1987 only:

(a) *In calendar year 1985 for the 1986 apportionment the definition of "money needs" includes 50 percent of the construction costs beyond the center 24 feet of a county state-aid highway located over a street in a city of 5,000 or more population.*

(b) *In calendar year 1986 for the 1987 apportionment the definition of "money needs" must include 100 percent of the construction costs beyond the center 24 feet of a county state-aid highway located over a street in a city of 5,000 or more population.*

(c) *Notwithstanding paragraphs (a) and (b), the commissioner shall make no apportionment of county state-aid highway funds for calendar years 1986 and 1987 which would result in any county receiving a lesser apportionment of such funds than was apportioned to it in calendar year 1985.*

(d) *Notwithstanding paragraphs (a) and (b), the apportionment of county state-aid funds for either calendar year 1986 or 1987 for any county may not exceed the apportionment to that county for the previous calendar year, increased by a percentage which is the sum of the percentage by which the total funds available for apportionment to all counties increased over the total funds available for apportionment for the previous calendar years, plus five percent. If the provisions of this clause result in more funds being available for distribution to all counties than can be distributed under these provisions, the commissioner shall apportion the excess funds to the counties in proportion to each county's approved money needs as defined in section 162.07, subdivision 2.*

The provisions of this section do not apply to apportionments for any year in which the amount of county state-aid highway funds available for apportionment to all counties is less than the amount which was available for apportionment to all counties in calendar year 1985.

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

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

Minnesota Base Rate Schedule
Scheduled taxes include five percent
surtax provided for in subdivision 14

| TOTAL GROSS WEIGHT IN POUNDS | | TAX |
|---------------------------------|-----------------------|-------|
| A | 0 - 1,500 | \$ 15 |
| B | 1,501 - 3,000 | 20 |
| C | 3,001 - 4,500 | 25 |
| D | 4,501 - 6,000 | 35 |
| E | 6,001 - 9,000 | 45 |
| F | 9,001 - 12,000 | 70 |
| G | 12,001 - 15,000 | 105 |
| H | 15,001 - 18,000 | 145 |
| I | 18,001 - 21,000 | 190 |
| J | 21,001 - 26,000 | 270 |
| K | 26,001 - 33,000 | 360 |
| L | 33,001 - 39,000 | 470 |
| M | 39,001 - 45,000 | 590 |

| | | |
|---|-----------------|------|
| N | 45,001 - 51,000 | 710 |
| O | 51,001 - 57,000 | 860 |
| P | 57,001 - 63,000 | 1010 |
| Q | 63,001 - 69,000 | 1180 |
| R | 69,001 - 73,280 | 1320 |
| S | 73,281 - 78,000 | 1520 |
| T | 78,001 - 81,000 | 1620 |

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) 27, 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. 9. Minnesota Statutes 1984, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.] The applicant for all licenses based on gross weight shall state in writing upon oath, the unloaded weight of the motor vehicle, trailer or semi-trailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer or semi-trailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no motor vehicle, trailer or semi-trailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the motor vehicle, trailer or semi-trailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule:

(1) The owner, driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a motor vehicle, trailer or semi-trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was

convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer or semi-trailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer or semi-trailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity cancelled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be cancelled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. *The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred.* The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) When the registration on a motor vehicle, trailer or semi-trailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The re-registration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 10. Minnesota Statutes 1984, section 169.833, is amended to read:

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

Subdivision 1. [PRIORITY LIST PREPARED.] (a) By December 31 of each odd-numbered year beginning in 1985, each highway district must submit to the commissioner its list of identified market arteries and recommended priorities for upgrading. The priority list must be prepared in accordance with this section by the district engineer in consultation with county and city engineers in the district. Each district engineer must hold one or more public meetings on the list and report to the commissioner in detail how the district upgrading priority list reflects testimony received in the public meetings.

(b) In making its priority list each district must consider the priorities of counties, municipalities, regions and adjoining districts. Each district must submit to the commissioner a preliminary list of market arteries identified for upgrading by September 1, 1985.

Subd. 2. [SELECTION OF MARKET ARTERIES.] The district priority list must identify all market arteries and determine those in need of upgrading. Roads considered for identification as market arteries must include roads connecting Minnesota with border states and provinces, roads connecting interstate highways with state trunk highways, and roads connecting trunk highways with one another. In determining the need for upgrading market arteries, the district must consider shippers' needs, community views, road conditions, regional development plans and the plans of adjoining districts. In identifying market arteries and determining the need for upgrading, the district must give priority to roads serving communities without access to rail service or a year-round, ten-ton route.

(SUBDIVISION 1) Subd. 3. [IDENTIFICATION OF PROJECTS.] The commissioner shall develop a priority list of trunk highway (ROUTES TO BE ADDED TO THE SYSTEM OF ROUTES DESIGNATED UNDER SECTION 169.832) improvements to upgrade market arteries identified in the district priority lists developed under this section. The commissioner shall consult with representatives of the trucking, shipping, and agricultural industries (AND), local authorities, and regional development commissions in developing the list. (A ROUTE SHALL BE ADDED TO THE DESIGNATED ROUTE SYSTEM AFTER COMPLETION OF ROAD IMPROVEMENTS THAT PROVIDE ROAD STRENGTH ADEQUATE TO CARRY THE PERMISSIBLE WEIGHTS UNDER SECTION 169.825 OR WHEN THE COMMISSIONER OTHERWISE DETERMINES THAT DESIGNATION OF A ROUTE IS REASONABLE) In developing the list the commissioner shall give highest priority to improvements that will eliminate prohibitions or restrictions that interrupt year-round full service on market arteries.

(SUBD. 2) [FUNDING OF ADDITIONS TO THE SYSTEM.] ON JULY 1 OF EACH YEAR THE COMMISSIONER OF FINANCE SHALL CERTIFY TO THE COMMISSIONER THE ESTIMATED INCREASE IN REVENUE TO THE TRUNK HIGHWAY FUND RESULTING FROM THE INCREASE IN THE GASOLINE AND SPECIAL FUEL EXCISE TAX UNDER SECTION 296.02. THE COMMISSIONER SHALL EXPEND 15 PERCENT OF THE INCREASE IN REVENUE TO THE TRUNK HIGHWAY FUND RESULTING FROM THE INCREASE IN THE GASOLINE AND SPECIAL FUEL EXCISE TAX UNDER SECTION 296.02 AND 15 PERCENT OF FUTURE INCREASES IN GASOLINE AND SPECIAL FUEL EXCISE TAX REVENUES TO THE TRUNK HIGHWAY FUND FOR THE PURPOSES OF SUBDIVISION 1. IN THE EVENT THAT ACTUAL EXPENDITURES DURING ANY FISCAL YEAR ARE LESS OR GREATER THAN 15 PERCENT WHEN COMPARED TO ACTUAL REVENUE THE COMMISSIONER SHALL ADJUST HIS EXPENDITURES FOR THE PURPOSE OF SUBDIVISION 1 FOR THE FOLLOWING YEARS IN ORDER TO ACHIEVE COMPLIANCE WITH THIS SUBDIVISION.)

Sec. 11. Minnesota Statutes 1984, section 169.862, is amended to read:

169.862 [PERMITS FOR WIDE LOADS OF BALED (HAY) AGRICULTURAL PRODUCTS.]

The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round (BALED HAY) *bales of agricultural products*, with a total outside width of the vehicle or the load not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on (SATURDAYS, SUNDAYS, AND) *Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.*

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. (SIMULTANEOUS FLASHING AMBER LIGHTS, AS PROVIDED IN SECTION 169.59, SUBDIVISION 4, MUST BE DISPLAYED TO THE FRONT AND REAR OF THE VEHICLE. THE FLASHING AMBER LIGHTS MUST BE LIGHTED ONLY WHEN THE WIDTH OF THE LOAD EXCEEDS 102 INCHES. THE FLASHING AMBER LIGHT SYSTEM IS IN ADDITION TO AND SEPARATE FROM THE TURN SIGNAL SYSTEM AND THE HAZARD WARNING LIGHT SYSTEM.)

(e) A vehicle operated under the permit must display red, orange, or yellow flags, (12) 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

The fee for the permit is \$24.

Sec. 12. Minnesota Statutes 1984, section 169.871, is amended by adding a subdivision to read:

Subd. 7. [SHIPPER'S GOOD FAITH EXCEPTION.] The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e.

For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load.

Sec. 13. Minnesota Statutes 1984, section 169.872, subdivision 1, is amended to read:

Subdivision 1. [RECORD KEEPING.] A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, the total number of axles on the vehicle or combination of vehicles, and the registration number of the power unit or some other means of identification by which the shipment was

transported. The record shall be retained for 30 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative, except state conservation officers, upon demand. No search warrant is required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving and transporting of those goods, or to a person weighing raw and unfinished farm products transported in a single unit vehicle with not more than three axles or by a trailer towed by a farm tractor when the transportation is the first haul of the product.

Sec. 14. Minnesota Statutes 1984, section 174A.06, is amended to read:

174A.06 [CONTINUATION OF RULES (OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION).]

Orders and directives heretofore in force, issued or promulgated by the public service commission, public utilities commission, or the department of transportation under authority of chapters 216A, 218, 219, and 221 remain and continue in force and effect until repealed, modified, or superseded by duly authorized orders or directives of the transportation regulation board. Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits *under sections 221.121, 221.151, and 221.296* or certificates of convenience and necessity under section (221.296, SUBDIVISION 2) *221.071*.

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, 1985.

Sec. 15. Minnesota Statutes 1984, section 221.011, subdivision 13, is amended to read:

Subd. 13. "Interstate carrier" means any person engaged in transporting property or passengers *for hire* in interstate commerce *in Minnesota*, from or into Minnesota, or between any point in the state of Minnesota and the Dominion of Canada.

Sec. 16. Minnesota Statutes 1984, section 221.011, subdivision 25, is amended to read:

Subd. 25. "Courier services carrier" means any person who offers expedited door-to-door transportation of packages and articles less than 100 pounds in weight in vehicles with a (MANUFACTURER'S NOMINAL RATING CAPACITY) *registered gross vehicle weight and gross vehicle weight rating not exceeding (ONE TON) 15,000 pounds*.

Sec. 17. Minnesota Statutes 1984, section 221.025, is amended to read:

221.025 [EXEMPTIONS.]

Except as provided in sections 221.031 and 221.033, the provisions of this chapter do not apply to the transportation described below:

(a) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451;

(b) the transportation of rubbish as defined in section 443.27;

(c) a commuter van as defined in section 221.011, subdivision 27;

(d) authorized emergency vehicles as defined in section 169.01, subdivision 5, including ambulances, and tow trucks when picking up and transporting disabled or wrecked motor vehicles and when carrying proper and legal warning devices;

(e) the transportation of grain samples under conditions prescribed by the board;

(f) the delivery of agricultural lime;

(g) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(h) a person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(i) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(j) a person while engaged exclusively in transporting fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting potatoes, sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;

(k) a person engaged in transporting property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities except as provided in section 221.296;

(l) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

(m) a person engaged in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25-mile radius from the person's home post office. The carrier may transport other commodities within the 25-mile radius if the destination of each haul is a farm. (THE OWNER OF A TRUCK OPERATING UNDER THIS PROVISION SHALL IMPRINT THE OWNER'S NAME AND ADDRESS IN PROMINENT VISIBLE LETTERS ON THE OUTSIDE OF THE CAB OF THE TRUCK.)

Sec. 18. Minnesota Statutes 1984, section 221.031, subdivision 2, is amended to read:

Subd. 2. [PRIVATE CARRIERS.] (a) Private carriers operating vehicles licensed and registered for a gross weight of

more than 12,000 pounds, shall comply with rules adopted under this section applying to maximum hours of service of drivers, safe operation of vehicles, equipment, parts and accessories, leasing of vehicles or vehicles and drivers, and inspection, repair, and maintenance.

(b) In addition to the requirements in paragraph (a), private carriers operating vehicles licensed and registered for a gross weight in excess of 26,000 pounds shall comply with rules adopted under this section relating to driver qualifications.

(c) The requirements as to driver qualifications and maximum hours of service for drivers do not apply to private carriers who are (1) public utilities as defined in section 216B.02, subdivision 4; (2) cooperative electric associations organized under chapter 308; (3) telephone companies as defined in section 237.01, subdivision 2; or (4) who are engaged in the transportation of construction materials, tools and equipment from shop to job site or job site to job site, for use by the private carrier in the new construction, remodeling, or repair of buildings, structures or their appurtenances.

(d) The driver qualification rule (DOES) *and the hours of service rules* do not apply to vehicles controlled by a farmer and operated by a farmer or farm employee to transport agricultural products or farm machinery or supplies to or from a farm if the vehicle is not used in the operations of a motor carrier and not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with section 221.033.

Sec. 19. Minnesota Statutes 1984, section 221.031, subdivision 6, is amended to read:

Subd. 6. [VEHICLE IDENTIFICATION RULE.] The following carriers shall comply with the vehicle identification rule of the commissioner:

- (1) motor carriers, regardless of the weight of the vehicle;
- (2) private carriers operating vehicles licensed and registered for a gross weight of 12,000 pounds or more; and
- (3) vehicles providing transportation described in section 221.025 which are licensed and registered for a gross weight of 12,000 pounds or more except those providing transportation described in section 221.025, clauses (a), (c), and (d).

The vehicle identification rule of the commissioner may not be more stringent than the marking requirements imposed on private carriers by the United States department of transportation under Code of Federal Regulations, title 49, section 397.21, clauses (b) and (c).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

Sec. 20. Minnesota Statutes 1984, section 221.033, is amended to read:

221.033 [REGULATION OF HAZARDOUS MATERIALS.]

Subdivision 1. [REQUIREMENTS.] Except as provided in subdivisions 2 and 3, no person may transport or have transported or shipped within the state of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 1801 to 1811 and the provisions of Code of Federal Regulations, title 49, sections 171 to 199.

Subd. 2. [EXCEPTION.] Farmers or their employees transporting diesel fuel, gasoline, agricultural chemicals, or agricultural fertilizers for use on the transporter's farm are not required to comply with the driver qualification rules of the commissioner or with the shipping paper requirements of the Code of Federal Regulations, title 49, parts 172.200 and 177.817 or with part 397.7(B) or 397.9(A) of the Federal Motor Carrier Safety Regulations when:

(1) transporting diesel fuel or gasoline in motorized tank truck vehicles of less than 1,500 gallon capacity owned by the transporter, or in tanks securely mounted in other motor vehicles with a gross vehicle weight of less than 12,000 pounds and owned by the transporter; or

(2) transporting agricultural chemicals and agricultural fertilizers.

Subd. 3. [VARIANCE, RULES.] The commissioner shall adopt rules which provide a procedure for granting a variance from those regulations adopted under subdivision 1 which prescribe specifications for tank motor vehicles used to transport gasoline. The variance may be granted only to persons who transport gasoline in tank motor vehicles with a capacity of 3,000 gallons or less which were manufactured between 1950 and 1975 according to American society of mechanical engineers specifications in effect at the time of manufacture. The commissioner shall prescribe alternative requirements to assure the safety of the tank motor vehicles operated under the variance, and shall register each tank motor vehicle operated under the variance.

Sec. 21. Minnesota Statutes 1984, section 221.131, is amended by adding a subdivision to read:

Subd. 6. [COURIER SERVICE CARRIERS; IDENTIFICATION CARDS.] The commissioner shall issue distinct annual identification cab cards for vehicles that provide courier service under a permit issued by the board. A courier service identification cab card may not be issued for a vehicle that has a registered gross vehicle weight or gross vehicle weight rating in excess of 15,000 pounds.

Sec. 22. Minnesota Statutes 1984, section 221.161, subdivision 1, is amended to read:

Subdivision 1. [FILING; HEARING UPON BOARD INITIATIVE.] Every permit carrier, including a livestock carrier but not including a local cartage carrier, shall file and maintain with the commissioner a (SCHEDULE OF) *tariff* showing rates and charges for the transportation of persons or property. The filing with and acceptance by the commissioner of these tariffs, in accordance with the rules relating to the (SCHEDULES) *tariffs*, constitutes notice to the public and interested parties of the contents of the tariffs. (SCHEDULES) *Tariffs* must be prepared and filed in accordance with the rules and regulations of the commissioner. The commissioner shall not accept for filing (SCHEDULES) *tariffs* which are unjust and unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of the provisions of this section. If the (SCHEDULES) *tariffs* appear to be unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial or otherwise in violation of this section, the board after notification and investigation by the department may suspend and postpone the effective date of the (SCHEDULES) *tariffs* and assign the (SCHEDULES) *tariffs* for hearing upon notice to the permit carrier filing the proposed (SCHEDULES) *tariffs* and to other interested parties, including users of the service and competitive carriers by motor vehicle and rail. At the hearing, the burden of proof is on the permit carrier filing the proposed (SCHEDULE OF RATES AND CHARGES) *tariff* to sustain the validity of the proposed schedule of rates and charges. (SCHEDULES OF RATES AND CHARGES) *Tariffs* for the transportation of livestock are not subject to rejection, suspension, or postponement by the board, except as provided in subdivisions 2 and 3. The tariffs and subsequent supplements to them or reissues of them must state the effective date, which may not be less than ten days following the date of filing, unless the period of time is reduced by special permission of the (BOARD) *commissioner*.

Sec. 23. Minnesota Statutes 1984, section 221.185, subdivision 4, is amended to read:

Subd. 4. [FAILURE TO COMPLY.] *Except as provided in subdivision 5a, failure to comply with the requirements of sections 221.141 and 221.296 relating to bonds and insurance, 221.131 relating to permit renewal, 221.071, 221.131, or 221.296*

relating to annual vehicle registration or permit renewal, or to request a hearing within 45 days of the date of suspension, is deemed an abandonment of the motor carrier's permit or certificate and the permit or certificate must be canceled by the commissioner.

Sec. 24. Minnesota Statutes 1984, section 221.185, is amended by adding a subdivision to read:

Subd. 5a. [REINSTATEMENT AFTER CANCELLATION.] A motor carrier whose permit or certificate is canceled for failure to comply with sections 221.141 and 221.296 relating to bonds and insurance may ask the board to review the cancellation. Upon review, the board shall rescind the cancellation if: (1) the motor carrier presents evidence showing that before the effective date of the notice of cancellation issued under section 221.185, subdivision 5, the motor carrier had obtained and paid for the insurance required by sections 221.141 and 221.296, and the rules of the commissioner, and (2) the commissioner informs the board that the motor carrier has complied with the requirements of sections 221.141 and 221.296 and the rules of the commissioner.

Sec. 25. Minnesota Statutes 1984, section 221.231, is amended to read:

221.231 [RECIPROCAL AGREEMENTS.]

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, whereby the payment of the (VEHICLE FEE) fees provided in section (221.131 HEREOF) 27 may be waived in whole or in part (AS TO RESIDENTS OF OR CORPORATIONS OR PARTNERSHIPS) for motor carriers having an established place of business in (THE) that state or province (, ENTERING INTO THE RECIPROCAL AGREEMENT WITH THE COMMISSIONER,); provided that reciprocal privileges are extended under (SUCH) the agreement to (RESIDENTS) motor carriers of this state (AND TO CORPORATIONS OR PARTNERSHIPS WHO HAVE AN ESTABLISHED PLACE OF BUSINESS IN THIS STATE).

Sec. 26. Minnesota Statutes 1984, section 221.291, subdivision 1, is amended to read:

Subdivision 1. [VIOLATION.] Except as provided in subdivisions 3 and 4, a person who commits, procures, aids or abets or conspires to commit, or attempts to commit, aid or abet in the violation of a provision of this chapter or a valid order or rule of the commissioner or board issued hereunder, whether individually or in connection with one or (OTHER) more per-

sons or as principal, agent, or accessory, shall be guilty of a misdemeanor, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate a provision of this chapter, is likewise guilty of a misdemeanor. Every distinct violation is a separate offense.

Sec. 27. [221.60] [REGISTRATION OF INTERSTATE CARRIERS.]

Subdivision 1. [PROCEDURE.] A motor carrier may transport persons or property for hire in interstate commerce in Minnesota only if it first:

(1) complies with section 221.141;

(2) either registers with the commissioner the Interstate Commerce Commission operating authority that it intends to exercise, or registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and

(3) purchases an interstate identification stamp or an interstate registration trip permit for each vehicle to be used in interstate transportation in Minnesota.

Subd. 2. [FORM AND FEES.] A motor carrier engaged in interstate commerce shall register its interstate transportation authority or exemption before February 1 of each year on a form prescribed by the commissioner. The fee for the initial registration is \$25. The fee for each identification stamp is \$5; however, a lesser fee may be collected pursuant to a reciprocal agreement authorized by section 28. No fee may be collected from a local cartage carrier that provides interstate transportation only within the zone described in United States Code, title 49, section 10526(b)(1)(1984). A local cartage carrier shall register its interstate transportation each year when it pays the local cartage carrier permit or annual renewal fee.

Subd. 3. [FAILURE TO REGISTER.] Failure to register for three consecutive years cancels the carrier's registration. The commissioner must give 30 days notice of the cancellation to the carrier at the carrier's last known address.

Subd. 4. [CAB CARD.] A carrier required to register under this section shall obtain the National Association of Regulatory Utility Commissioners cab card described in Code of Federal Regulations, title 49, section 1023.36, and affix the stamp to the cab card. A cab card bearing a current Minnesota interstate identification stamp must be carried in the cab of a vehicle operated for hire in interstate commerce in Minnesota.

Subd. 5. [TEMPORARY INTERSTATE REGISTRATION.] An interstate registration trip permit valid for ten days from the date of issue may be issued to a motor carrier engaged in interstate commerce that:

(1) complies with section 221.141;

(2) either registers its interstate operating authority or registers and describes the transportation it performs under an exemption contained in the Interstate Commerce Act, United States Code, title 49; and

(3) pays a state fee of \$5 for each permit.

Subd. 6. [TRANSFER OF AUTHORIZATION DOCUMENT.] A motor carrier engaged in interstate commerce may not transfer or sell or allow another carrier to use its interstate identification stamp, its interstate registration trip permit, or its cab card. However, a cab card and identification stamp may be transferred to a leased vehicle operated under the authority of the motor carrier to whom the cab card and identification stamp were issued.

Sec. 28. Minnesota Statutes 1984, section 221.65, is amended to read:

221.65 [RECIPROCAL AGREEMENTS.]

Nothing in (SECTIONS 221.61 TO 221.68) *this chapter* shall be construed to impair the authority of the commissioner to enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, as provided in section 221.231.

For the purposes of section 221.231, the commissioner shall be deemed to be the successor of the department of public service. The commissioner may exercise any power, duty or function heretofore conferred by law or agreement upon the department of public service to the extent necessary to preserve any reciprocal agreement heretofore concluded under the provisions of section 221.231. Nothing in this section shall be construed to prevent the negotiation of new or replacement agreements as conditions and circumstances may warrant.

Sec. 29. Minnesota Statutes 1984, section 221.67, is amended to read:

221.67 [SERVICE OF PROCESS.]

The use of any of the public highways of this state for the transportation of persons or property for compensation by a

motor carrier in interstate commerce shall be deemed an irrevocable appointment by the carrier of the secretary of state to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding brought under (SECTION 221.66) *this chapter* against him or his executor, administrator, personal representative, heirs, successors or assigns. This use is a signification of agreement by the interstate motor carrier that any process in any action against him or his executor, administrator, personal representative, heirs, successors, or assigns which is so served shall be of the same legal force and validity as if served upon him personally. Service shall be made by serving a copy thereof upon the secretary of state or by filing a copy in his office, together with payment of a fee of \$15, and the service shall be sufficient service upon the absent motor carrier if notice of the service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at his last known address and the plaintiff's affidavit of compliance with the provisions of *this section and sections (221.61 TO) 27, 221.65, and 221.68* is attached to the summons.

Sec. 30. Minnesota Statutes 1984, section 221.68, is amended to read:

221.68 [VIOLATIONS; PENALTIES.]

Any person who violates or procures, aids, or abets violation of, or fails to comply with, the provisions of sections (221.61 TO 221.68) *27 to 29* or any valid order or rule of the commissioner or board issued hereunder shall be guilty of a misdemeanor; and, additionally, shall be subject to a penalty of \$50 for each and every day of such failure to so comply, to be recovered for the state in a civil action. Each distinct violation shall be a separate offense.

Sec. 31. Minnesota Statutes 1984, section 221.81, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.

(a) "Building mover" means a person, corporation, or other entity who raises, supports off the foundation, and moves buildings on and over public streets and highways. Building mover does not include a person who moves manufactured homes or *modular homes*, farmers moving their own farm buildings, or persons moving buildings which are less than 16 feet wide by 20 feet long.

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Sec. 32. Minnesota Statutes 1984, section 505.18, is amended to read:

505.18 [MINNESOTA COORDINATE SYSTEM.]

The system of plane coordinates which has been established by the *National Ocean Survey/National Geodetic Survey, formerly the United States Coast and Geodetic Survey or its successors*, for defining and stating the *geographic* positions or locations of points on the surface of the earth within the state of Minnesota is hereafter to be known and designated as the "Minnesota Coordinate System of 1927 and the Minnesota Coordinate System of 1983."

For the purpose of the use of this system the state is divided into a "North Zone," a "Central Zone," and a "South Zone."

The area now included in the following counties shall constitute the North Zone: Beltrami, Clearwater, Cook, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Saint Louis.

The area now included in the following counties shall constitute the Central Zone: Aitkin, Becker, Benton, Carlton, Cass, Chisago, Clay, Crow Wing, Douglas, Grant, Hubbard, Isanti, Kanabec, Mille Lacs, Morrison, Otter Tail, Pine, Pope, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin.

The area now included in the following counties shall constitute the South Zone: Anoka, Big Stone, Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sherburne, Sibley, Steele, Swift, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, and Yellow Medicine.

Sec. 33. Minnesota Statutes 1984, section 505.19, is amended to read:

505.19 [ZONES; LAND DESCRIPTIONS.]

As established for use in the North Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, North Zone or the Minnesota Coordinate System of 1983, North Zone."

As established for use in the Central Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, Central Zone or the Minnesota Coordinate System of 1983, Central Zone."

As established for use in the South Zone, the Minnesota Coordinate System of 1927 or the Minnesota Coordinate System of 1983 shall be named, and in any land description in which it is used it shall be designated, the "Minnesota Coordinate System of 1927, South Zone or the Minnesota Coordinate System of 1983, South Zone."

Sec. 34. Minnesota Statutes 1984, section 505.20, is amended to read:

505.20 [X- AND Y-COORDINATES.]

The plane (COORDINATES OF) *coordinate values for a point on the earth's surface, to be used (IN EXPRESSING) to express the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in U.S. Survey feet and decimals of a foot when using the Minnesota Coordinate System of 1927 and expressed in meters and decimals of a meter when using the Minnesota Coordinate System of 1983.* One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to (THE COORDINATES, ON THE MINNESOTA COORDINATE SYSTEM, OF THE TRIANGULATION AND TRAVERSE STATIONS OF THE UNITED STATES COAST AND GEODETIC SURVEY WITHIN THE STATE OF MINNESOTA, AS THOSE COORDINATES HAVE BEEN DETERMINED BY THE SAID SURVEY) *plane rectangular coordinate values for the monumented horizontal control stations of the North American Horizontal Geodetic Control Network as published by the National Ocean Survey/National Geodetic Survey (NOS/NGS) or its successors and whose plane coordinates have been computed on the systems defined in this chapter. The station may be used for establishing a survey connection to either Minnesota Coordinate System, 1927 or 1983.*

Sec. 35. Minnesota Statutes 1984, section 505.22, is amended to read:

505.22 [(DEFINITION OF) MINNESOTA COORDINATE (SYSTEM) SYSTEMS DEFINED.]

(a) For purposes of more precisely defining the Minnesota Coordinate System of 1927, the following definition by the

(UNITED STATES COAST AND) *National Ocean Survey/*
National Geodetic Survey is adopted:

The Minnesota Coordinate System of 1927, North Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich and the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, Central Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich and the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

The Minnesota Coordinate System of 1927, South Zone, is a Lambert conformal *conic* projection of the Clarke spheroid of 1866, having standard parallels at north latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude, such origin being given the coordinates: x equals 2,000,000 feet and y equals 0 feet.

(b) (THE POSITION OF THE MINNESOTA COORDINATE SYSTEM SHALL BE AS MARKED ON THE GROUND BY TRIANGULATION OR TRAVERSE STATIONS ESTABLISHED IN CONFORMITY WITH STANDARDS ADOPTED BY THE UNITED STATES COAST AND GEODETIC SURVEY FOR FIRST ORDER AND SECOND ORDER WORK, WHOSE GEODETIC POSITIONS HAVE BEEN RIGIDLY ADJUSTED ON THE NORTH AMERICAN DATUM OF 1927, AND WHOSE COORDINATES HAVE BEEN COMPUTED ON THE SYSTEM HEREIN DEFINED. ANY SUCH STATION MAY BE USED FOR ESTABLISHING A SURVEY CONNECTION WITH THE MINNESOTA COORDINATE SYSTEM) *For purposes of more precisely defining the Minnesota Coordinate System of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:*

The Minnesota Coordinate System of 1983, North Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north

latitudes 47 degrees 02 minutes and 48 degrees 38 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 93 degrees 06 minutes west of Greenwich with the parallel 46 degrees 30 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, Central Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at north latitudes 45 degrees 37 minutes and 47 degrees 03 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 15 minutes west of Greenwich with the parallel 45 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

The Minnesota Coordinate System of 1983, South Zone, is a Lambert conformal conic projection of the North American Geocentric Datum of 1983, having standard parallels at North latitudes 43 degrees 47 minutes and 45 degrees 13 minutes, along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 94 degrees 00 minutes west of Greenwich with the parallel 43 degrees 00 minutes north latitude. This origin is given the coordinates: x equals 800,000 meters and y equals 100,000 meters.

Sec. 36. Minnesota Statutes 1984, section 505.23, is amended to read:

505.23 [WHERE COORDINATES RECORDED.]

No coordinates based on the Minnesota Coordinate System, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within one-half mile of a (TRIANGULATION OR TRAVERSE) horizontal control station established in conformity with the standards prescribed in section (505.25) 505.20; provided that said one-half mile limitation may be modified by a duly authorized state agency to meet local conditions.

Sec. 37. Minnesota Statutes 1984, section 505.24, is amended to read:

505.24 [LIMITATION OF USE.]

The use of the term "Minnesota Coordinate System of 1927, North, Central, or South Zone or Minnesota Coordinate System of 1983, North, Central, or South Zone" on any map, report of survey, or other document, shall be limited to coordinates based on the Minnesota Coordinate System as defined in this chapter.

Sec. 38. [505.28] [LAST USE OF 1927 COORDINATE SYSTEM.]

The Minnesota Coordinate System of 1927 must not be used after December 31, 1992. The Minnesota Coordinate System of 1983 is the sole coordinate system that may be used after that date.

Sec. 39. Laws 1979, chapter 280, section 2, as amended by Laws 1982, chapter 617, section 25, is amended to read:

Sec. 2. [APPROPRIATION.] Subdivision 1. \$52,000,000, or so much thereof as is determined to be needed, is appropriated from the Minnesota state transportation fund to the department of transportation to be expended for disbursement in the form of grants by the commissioner of transportation for construction and reconstruction of key bridges on the state transportation system and shall be allocated pursuant to subdivisions 2 and 3. The appropriation shall not lapse, but shall remain available until expended.

Subd. 2. \$50,000,000 or so much thereof as is needed, is available for expenditure at a rate not exceeding \$12,500,000 per fiscal year for grants to political subdivisions for construction and reconstruction of key bridges on highways, streets and roads under their jurisdiction. The grants shall not exceed the following aggregate amounts:

- (1) To counties . . . (\$8,500,000) \$11,500,000
- (2) To home rule charter and statutory cities . . . (\$1,000,000) \$1,500,000
- (3) To towns . . . \$21,000,000

Additional grants may be made in an aggregate amount not to exceed (\$19,500,000) \$16,500,000 to the political subdivisions to match federal-aid grants for construction and reconstruction of key bridges under their jurisdiction. Appropriations made in subdivisions 1, 2, or 3 may also be used for the following purposes:

(1) The costs of abandoning an existing bridge that is deficient and is in need of replacement, but where no replacement will be made.

(2) The costs of constructing a road or street that would facilitate the abandonment of an existing bridge determined to be deficient. The construction of the road or street must be judged to be more cost efficient than the reconstruction or replacement of the existing bridge.

Subd. 3. An additional amount not to exceed (\$2,000,000) \$1,500,000 is available for grants for preliminary engineering and environmental studies pursuant to section 3.

Sec. 40. [SPECIAL PERMIT.]

Subdivision 1. [PERMIT TO BE ISSUED.] Notwithstanding any law to the contrary the commissioner of transportation shall issue one special permit authorizing the operation for testing purposes of a three vehicle combination consisting of a motor vehicle, a "motorized hitch" and a trailer. The permit is valid for one year from the date of issuance. The annual fee for the permit is \$30. The permit is subject to all applicable provisions of Minnesota Statutes 1984, section 169.86, except as otherwise provided in this subdivision. The holder of the permit is responsible for all liability for personal injury, property damage or time lost, which may occur as a result of the operation of the combination for which the permit is issued, and must, if a claim is made against the state or a department, division officer or employee thereof arising from such operation, defend, indemnify and hold them harmless.

Subd. 2. [REPEALER.] This section is repealed July 31, 1986.

Sec. 41. [161.1231] [PARKING FACILITIES FOR I-394.]

Subdivision 1. [AUTHORITY TO CONSTRUCT.] Notwithstanding section 161.123 or any other law, the commissioner may acquire land by purchase, gift, or eminent domain for parking facilities described in this section and may construct, operate, repair, and maintain parking facilities primarily to serve vehicles traveling the route in the interstate highway system described in section 161.123, clause (2), also known as I-394. Other vehicles may use the parking facilities when space is available.

Subd. 2. [RULES AND PROCEDURES.] The commissioner shall adopt rules and establish procedures for the operation and use of the parking facilities. The rules are exempt from the requirements of chapter 14. A copy of the rules that regulate use of the facilities by drivers must be posted in each parking facility. The rules must:

(1) establish incentives, which must include preferential parking locations, to encourage drivers of vehicles that travel I-394 and that are occupied by two or more persons to use the facilities;

(2) define peak travel hours and provide that during peak travel hours single-occupant vehicles be charged a surcharge to bring the parking fee for those vehicles to approximately the same level as parking fees charged in the private parking ramps located in Minneapolis;

(3) provide preferential parking locations for vehicles licensed and operated under section 168.021;

(4) establish application, permit, and use requirements; and

(5) provide for removal and impoundment of vehicles and assessment of a service fee on vehicles parked in violation of this section and the rules adopted under it.

Subd. 3. [FEDERAL AID.] *The commissioner may cooperate with the federal government or any agency of the federal government and may comply with the law of the United States and regulations adopted under those laws so that federal money available for construction of parking ramps described in the Surface Transportation Assistance Act of 1982, section 127, may be obtained.*

Subd. 4. [AGREEMENTS; LEASES.] (a) *The commissioner may make agreements with or may lease the parking facilities to the city of Minneapolis or to a private party. The agreement or lease may allow the city of Minneapolis or private party to operate the facilities according to the commissioner's rules and procedures and to collect the fees established by the commissioner. The commissioner shall require a private operator to obtain liability insurance in an amount prescribed by the commissioner to insure the operator and the state against all claims occurring because of the existence of the agreement or lease. The agreement may provide for reasonable compensation.*

(b) *The commissioner may negotiate the agreement or lease without requiring competitive bids. The terms of an agreement or lease must be approved by the federal agency that grants money for the construction of the facilities.*

Subd. 5. [FEES.] *The commissioner shall establish and collect fees for use of the parking facilities. The fees must be established and adjusted in compliance with United States Code, title 23, section 137, and are not subject to Minnesota Statutes, chapter 14, including section 14.38, subdivisions 5 to 9, or section 16A.128.*

Subd. 6. [ENFORCEMENT.] *This section must be enforced in the same manner as parking ordinances or laws are enforced in Minneapolis. The commissioner may revoke the permit or refuse to issue a permit to a person who repeatedly violates subdivision 7 or the rules of the commissioner.*

Subd. 7. [PROHIBITION.] *A person may not park a motor vehicle in a parking facility described in subdivision 1 except in compliance with subdivision 5 and the rules of the commissioner adopted under subdivision 2. Violation of this subdivision is a misdemeanor.*

Subd. 8. [SPECIAL ACCOUNT.] Fees collected by the commissioner under this section must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner to operate, repair, and maintain the parking facilities and the high occupancy vehicle lanes on I-394.

Subd. 9. [LOAN BY MINNEAPOLIS.] Notwithstanding the provisions of any statute or home rule charter to the contrary, the city of Minneapolis may incur indebtedness and may issue and sell bonds and other obligations pledging the full faith and credit of the city to its payment for the purpose of loaning and may loan money to the commissioner for deposit in the state treasury to the credit of the trunk highway fund in an amount sufficient for the construction of parking facilities described in subdivision 1 without submitting the question of the issuance of the bonds to the electors. Except as provided in this subdivision, the bonds shall be issued and sold according to the provisions of chapter 475. When funds are received by the state from federal aid allotted to the construction of the parking facilities described in subdivision 1, the commissioner must pay those funds to the city from the trunk highway fund together with any interest or inflation adjustment thereon which is included in the federal aid.

Subd. 10. [LOCAL APPROVAL.] Subdivisions 1 to 8 are effective the day following final enactment. Subdivision 9 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Minneapolis.

Sec. 42. [STUDY.]

The transportation committees of the senate and of the house of representatives, the subcommittee on agriculture, transportation and semi-state agencies of the senate finance committee and the division on agriculture, transportation and semi-state agencies of the house of representatives appropriations committee, shall jointly study:

- (1) appropriate sizes and weights of vehicles and combinations on streets and highways in the state;*
- (2) the economic effects of current and proposed limits on sizes and weights; and*
- (3) the expenditure and revenue implications of current and proposed limits on sizes and weights.*

The study shall utilize existing staff of the committees conducting the study. The committees shall jointly report to the legislature on the results of the study by January 15, 1986.

Sec. 43. [REPEALER.]

Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66, are repealed. Section 7 is repealed January 1, 1988.

Sec. 44. [EFFECTIVE DATE.]

Sections 1, 2, 8, 9, 12, 13, 14, 17, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 are effective the day following final enactment. Section 3 is effective June 1, 1985. Section 4 is effective January 1, 1988. Sections 5, 6, and 7 are effective January 1, 1986."

Delete the title and insert:

"A bill for an act relating to transportation; removing the 24-foot restriction on county state-aid money needs; changing the definition of urban and rural counties; providing for apportionments in calendar years 1986 and 1987; establishing conflict of interest requirements for court-appointed commissioners in condemnation; providing for relocation and disposal of historically significant buildings or structures; denying certain contracts to persons convicted of contract crimes; modifying penalties for certain seasonal weight violations; providing for priority list of market artery highways which need upgrading; permitting certain wide loads; establishing good faith exception to excessive gross weight penalties for shippers; providing certain exemptions from weight record requirements; establishing gross vehicle weight limits for courier service vehicles; providing that hours of service rules do not apply to farm vehicles; exempting certain farm vehicles from the vehicle identification rule; exempting certain persons from certain hazardous material rules and allowing variances; providing for rescission of canceled permits if a carrier has insurance coverage; excluding modular home movers from regulation as building movers; creating a new state-surveying coordinate system; providing for a special permit to test certain three-vehicle combinations until July 31, 1986; allowing and prescribing certain parking facilities for interstate highway I-394; removing and modifying certain restrictions on the expenditure of proceeds from state transportation bonds; directing the commissioner of transportation to issue a special permit for a certain combination of vehicles; requiring joint legislative study; prescribing a fee; prescribing a penalty; amending Minnesota Statutes 1984, sections 117.075; 161.20, subdivision 2; 162.07, subdivisions 2, 3, and 4; 168.013, subdivisions 1e and 3; 169.833; 169.862; 169.871, by adding a subdivision; 169.872, subdivision 1; 174A.06; 221.011, subdivisions 13 and 25; 221.025; 221.031, subdivisions 2 and 6; 221.033; 221.131, by adding a subdivision; 221.161, subdivision 1; 221.185, subdivision 4, and by adding a subdivision; 221.231; 221.291, subdivision 1; 221.65; 221.67; 221.68; 221.81, subdivision 1; 505.18; 505.19; 505.20; 505.22; 505.23; 505.24; Laws 1979, chapter 280, section 2, as amended;

proposing coding for new law in Minnesota Statutes, chapters 161, 162, 221, and 505; repealing Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66."

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

Senate Conferees: KEITH LANGSETH, CLARENCE M. PURFEERST, GARY M. DECramer, ROBERT J. SCHMITZ and LYLE G. MEHRKENS.

House Conferees: VIRGIL J. JOHNSON, DOUGLAS W. CARLSON, TONY L. BENNETT, TERRY M. DEMPSEY and BERNARD L. LIEDER.

Johnson moved that the report of the Conference Committee on S. F. No. 43 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 43, A bill for an act relating to transportation; regulating motor carriers; establishing gross vehicle weight limits for courier service vehicles; providing that hours of service rules do not apply to farm vehicles; exempting certain farm vehicles from the vehicle identification rule; providing for rescission of canceled permits if a carrier has insurance coverage; excluding modular home movers from regulation as building movers; amending Minnesota Statutes 1984, sections 168.013, subdivision 1e; 174A.06; 221.011, subdivisions 13 and 25; 221.025; 221.031, subdivisions 2 and 6; 221.131, by adding a subdivision; 221.161, subdivision 1; 221.185, subdivision 4, and by adding a subdivision; 221.231; 221.291, subdivision 1; 221.65; 221.67; 221.68; 221.81, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 1984, sections 221.296, subdivision 2; 221.61; 221.62; 221.63; 221.64; and 221.66.

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.

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

There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

| | | | | |
|--------------|------------|----------------|------------|-------------------|
| Forsythe | Kiffmeyer | Nelson, K. | Rees | Thiede |
| Frederick | Knuth | Neuenschwander | Rest | Thorson |
| Frederickson | Kostohryz | Norton | Rice | Tjornhom |
| Frerichs | Krueger | O'Connor | Richter | Tomlinson |
| Greenfield | Kvam | Ogren | Riveness | Tompkins |
| Gruenes | Levi | Olson, E. | Rodosovich | Tunheim |
| Gutknecht | Lieder | Omman | Rose | Uphus |
| Halberg | Long | Onnen | Sarna | Valan |
| Hartinger | Marsh | Osthoff | Schafer | Valento |
| Hartile | McDonald | Otis | Scheid | Vanasek |
| Haukoos | McEachern | Ozment | Schoenfeld | Vellenga |
| Heap | McKasy | Pappas | Schreiber | Voss |
| Himle | McLaughlin | Peterson | Seaberg | Waltman |
| Jacobs | McPherson | Piepho | Shaver | Welle |
| Jaros | Metzen | Piper | Sherman | Wenzel |
| Jennings, L. | Miller | Poppenhagen | Simoneau | Wynia |
| Johnson | Minne | Price | Solberg | Spk. Jennings, D. |
| Kahn | Munger | Quinn | Sparby | |
| Kalis | Murphy | Quist | Stanis | |
| Kelly | Nelson, D. | Redalen | Sviggum | |

Those who voted in the negative were:

Olsen, S. Segal

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

Mr. Speaker:

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

S. F. No. 676.

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. 676

A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

May 20, 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. 676, 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. 676 be further amended as follows:

Delete everything after the enacting clause and insert:

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

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

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

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

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

ness, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204B.14 and 204B.16.

Sec. 3. [TOWN LIQUOR LICENSES.]

Notwithstanding any other law, a town described in section 368.01, subdivision 1a, which erroneously issued an off-sale liquor license pursuant to section 340.11, subdivision 10b, prior to January 1, 1985, may continue to renew the license thus issued and the license shall remain in effect for so long as renewed.

Sec. 4. [OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the town board of the town of Cannon Falls in Goodhue county may issue an off-sale license to an establishment located within the town, with the approval of the county board and the commissioner of public safety. The license fee shall be fixed by the town board in an amount not to exceed \$500. A license issued pursuant to this section shall be governed by the appropriate provisions of Minnesota Statutes, chapter 340, except as otherwise provided by this section.

Sec. 5. [PINE COUNTY OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the Pine county board may issue one off-sale liquor license to a premises located within the town of Finlayson, provided that the establishment is not located within three miles of a home rule charter or statutory city with a municipal liquor store and with the approval of the commissioner of public safety. The fee for the license shall be fixed by the county board in an amount not to exceed \$500 per year. A license issued under this section shall otherwise be governed by Minnesota Statutes, chapter 340.

Sec. 6. [KANABEC COUNTY OFF-SALE LICENSE.]

Notwithstanding any law to the contrary, the Kanabec county board may issue one off-sale liquor license to a premises located within the town of Haybrook, provided that the establishment is not located within three miles of a municipality with a municipal liquor store and with the approval of the commissioner of public safety. The fee for the license shall be fixed by the county board in an amount not to exceed \$500 per year. A license issued under this section shall otherwise be governed by Minnesota Statutes, chapter 340.

Sec. 7. [DEFINITIONS.]

Subdivision 1. For the purpose of sections 7 to 17, the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of Mora.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision. Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

Subd. 5. "Assessed value" means the assessed value as most recently certified by the commissioner of revenue before the effective date of the ordinance or resolution adopted pursuant to section 8 or 9.

Subd. 6. "Land area" means the land area in the district which is subject to property taxation.

Sec. 8. [ESTABLISHMENT OF SPECIAL SERVICE DISTRICT.]

Subdivision 1. [ORDINANCE.] The governing body of the city may adopt an ordinance establishing a special service district. Only property which is zoned for commercial, business, or industrial use under a municipal zoning ordinance may be included in a district. The ordinance shall describe with particularity the area within the city to be included in the district and the special services to be furnished in the district. The ordinance may not be adopted until after a public hearing has been held on the question. Notice of the hearing shall include:

(a) the time and place of hearing;

(b) a map showing the boundaries of the proposed district; and

(c) a statement that all persons owning property in the proposed district will be given opportunity to be heard at the hearing.

Subd. 2. [NOTICE.] Notice of the hearing shall be given by publication in two issues of the official newspaper of the city. The two publications shall be a week apart and the hearing shall be held at least three days after the last publication. Not less than ten days before the hearing, notice shall also be mailed to the owner of each parcel within the area proposed to be included in the district. For the purpose of giving mailed notice, owners shall be those shown on the records of the county auditor. Other records may be used to supply the necessary information. For properties which are tax exempt or subject to taxation on a gross earnings basis in lieu of property tax and are not listed on the records of the county auditor, the owners shall be ascertained by any practicable means and mailed notice given them. At the public hearing any person affected by the proposed district may be heard orally in respect to any issues relevant to the proposed district. The hearing may be adjourned from time to time and the ordinance establishing the district may be adopted at any time within six months after the date of the conclusion of the hearing by a vote of the majority of the governing body of the city.

Sec. 9. [TAXING AUTHORITY; NOTICE AND HEARING REQUIREMENTS.]

Subdivision 1. [TAXES; HEARING.] Ad valorem taxes may be levied on taxable nonhomestead property or service charges may be imposed by the city within the special service district at a rate or amount sufficient to produce the revenues required to provide special services within the district. To determine the appropriate mill rate, nonhomestead taxable property or value shall be determined without regard to captured or original assessed value under Minnesota Statutes, section 273.76 or to the distribution or contribution value under Minnesota Statutes, section 473F.08. Taxes and service charges shall not be imposed to finance a special service if the service is ordinarily provided by the city from its general fund revenues unless the service is provided in the district at an increased level, in which case only an amount to pay for the increased level may be imposed. A service charge shall not be imposed on the receipts from the sale of intoxicating liquor, food, or lodging. Before the levy of taxes or imposition of service charges in a district, for each calendar year, notice shall be given and hearing shall be held pursuant to section 8 and notice shall also be mailed to any individual or business organization subject to a service charge. For purposes of this section the notice shall also include:

(a) A statement that all interested persons will be given an opportunity to be heard at the hearing regarding a proposed tax levy or service charge.

(b) The estimated cost of improvements to be paid for in whole or in part by taxes or service charges imposed pursuant to this section, the estimated cost of operating and maintaining

the improvements during the first year after completion of the improvements, the proposed method and source of financing the improvements, and the annual cost of operating and maintaining the improvements.

(c) *The proposed rate or amount of taxes to be extended or the proposed service charge to be imposed in the district during the calendar year and the nature and character of special services to be rendered in the district during the calendar year.*

(d) *A statement that the petition requirements of section 14 have either been met or do not apply to the proposed taxes or service charge.*

Within six months of the public hearing, the city may adopt a resolution levying a tax or imposing a service charge within the district not exceeding the amount or rate expressed in the notice issued pursuant to this section.

Subd. 2. [EXEMPTION OF CERTAIN PROPERTIES FROM TAXES.] *Property exempted from taxation by Minnesota Statutes, section 272.02, is exempt from any ad valorem taxes imposed pursuant to this act.*

Subd. 3. [LEVY LIMIT EXEMPTION.] *Taxes and service charges imposed pursuant to this act shall not be included in the calculation of levies or limits on levies provided by other law or home rule charter provision.*

Subd. 4. [EXCLUSION FROM HOMESTEAD CREDIT.] *Taxes levied under this section shall not be reduced pursuant to Minnesota Statutes, section 273.13, subdivision 6, 7, 7d, or 14a.*

Sec. 10. [ENLARGEMENT OF SPECIAL SERVICE DISTRICTS.]

Boundaries of a special service district may be enlarged only after hearing and notice as provided in sections 8 and 9. Notice shall be served in the original district and in the area proposed to be added to the district. Property added to the district shall be subject to all taxes levied and service charges imposed within the district after the property becomes a part of the district. The petition requirement in section 8 and the veto power in section 15 shall only apply to owners, individuals, and business organizations in the area proposed to be added to the district.

Sec. 11. [COLLECTION OF TAXES.]

Ad valorem taxes levied within a special service district shall be collected and paid over as other ad valorem taxes, but shall be spread only upon the assessed value of property described in the ordinance. Service charges imposed shall be col-

lected as provided by ordinance. Taxes collected pursuant to this act shall not be included in computations under Minnesota Statutes, section 273.76, chapter 473F, or any other law that applies to general ad valorem levies.

Sec. 12. [BONDS.]

At any time after a contract for the construction of all or part of an improvement authorized pursuant to this act has been entered into or the work has been ordered done by day labor, the governing body of the city may issue obligations in the amount it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing. The obligations shall be payable primarily out of the proceeds of the tax levied pursuant to section 9, or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources. The governing body may, by resolution adopted prior to the sale of obligations, pledge the full faith, credit, and taxing power of the municipality to assure payment of the principal and interest if the proceeds of the tax levy in the district are insufficient to pay the principal and interest. The obligations shall be issued in accordance with Minnesota Statutes, chapter 475, except that an election shall not be required, and the amount of the obligations shall not be included in determining the net debt of the city under the provisions of any law or charter limiting debt.

Sec. 13. [ADVISORY BOARD.]

The governing body of the city may create and appoint an advisory board for each special service district in the city to advise the governing body in connection with the construction, maintenance, and operation of improvements, and the furnishing of special services in a district. The advisory board shall make recommendations to the governing body on the requests and complaints of owners, occupants, and users of property within the district and members of the public. Before the adoption of any proposal by the governing body to provide services or impose taxes or service charges within the district, the advisory board of the district shall have an opportunity to review and comment upon the proposal.

Sec. 14. [PETITION REQUIRED.]

No action may be taken pursuant to section 8 unless owners of ten percent or more of the land area of the proposed special service district and owners of ten percent or more of the assessed value of the proposed district file a petition requesting a public hearing on the proposed action with the city clerk. No action may

be taken pursuant to section 8 to impose an ad valorem tax unless owners of ten percent or more of the land area subject to a proposed tax and owners of ten percent or more of the assessed value subject to a proposed tax file a petition requesting a public hearing on the proposed action with the city clerk. No action may be taken pursuant to section 9 to impose a service charge unless ten percent or more of the individual or business organizations subject to the proposed service charge file a petition requesting a public hearing on the proposed action with the city clerk. If the boundaries of a proposed district are changed or the land area or assessed value subject to a tax or the individuals or business organizations subject to a service charge are changed after the public hearing, a petition meeting the requirements of this section must be filed with the city clerk before the ordinance establishing the district or resolution imposing the tax or service charge may become effective.

Sec. 15. [VETO POWER OF OWNERS.]

Subdivision 1. [NOTICE OF RIGHT TO FILE OBJECTIONS.] Except as provided in section 16, the effective date of any ordinance or resolution adopted pursuant to sections 8 and 9 shall be at least 45 days after it is adopted. Within five days after adoption of the ordinance or resolution, a copy of the ordinance or resolution shall be mailed to the owner of each parcel included in the special service district and any individual or business organization subject to a service charge in the same manner that notice is mailed pursuant to section 8. The mailing shall include a notice that owners subject to a tax and individuals and business organizations subject to a service charge have a right to veto the ordinance or resolution by filing the required number of objections with the city clerk before the effective date of the ordinance or resolution.

Subd. 2. [REQUIREMENT FOR VETO.] If owners of 35 percent of the land area in the district and owners of 35 percent of the assessed value in the district file an objection to the ordinance adopted by the city pursuant to section 8 with the city clerk before the effective date of the ordinance, the ordinance shall not become effective. If owners of 35 percent of the land area subject to a tax and owners of 35 percent of the assessed value subject to a tax file an objection to the resolution adopted levying an ad valorem tax pursuant to section 8 with the city clerk before the effective date of the resolution, the resolution shall not become effective. If 35 percent of individuals and business organizations subject to a service charge file an objection to the resolution adopted imposing a service charge pursuant to section 9 with the city clerk before the effective date of the resolution, the resolution shall not become effective.

Sec. 16. [EXCLUSION FROM PETITION REQUIREMENTS AND VETO POWER.]

The petition requirement of section 14 and the right of owners and those subject to a service charge to veto a resolution in section 15 do not apply to second or subsequent years' applications of a tax or service charge which is authorized to be in effect for more than one year pursuant to a resolution which has met the petition requirements of section 14 and which has not been vetoed under section 15 for the first year's application. A resolution levying a tax or imposing a service charge for more than one year shall not be adopted unless the notice of public hearing required by section 9 and the notice mailed with the adopted resolution pursuant to section 15 include the following information:

(a) In the case of improvements, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years the taxes will be levied or service charges imposed to pay for the improvement.

(b) In the case of operating and maintenance services, the maximum rate or amount of taxes to be levied or the maximum service charge to be imposed in any year and the maximum number of years, or a statement that the tax will be imposed for an indefinite number of years, the taxes will be levied or service charges imposed to pay for operation and maintenance services.

The resolution may provide that the maximum amount of tax to be levied or maximum service charge to be imposed in any year will increase or decrease from the maximum amount authorized in the preceding year based on an indicator of increased cost or a percentage amount established by the resolution.

Sec. 17. [REPORT TO LEGISLATURE.]

The administrator of the city of Mora shall file a written report with the chairman of the house local and urban affairs committee and the chairman of the senate local and urban government committee on or before January 31, 1986. The report shall apprise the committee as to the activities undertaken pursuant to this act and recommend any changes that should be considered if the legislature were to enact statewide legislation for the establishment of special service districts.

Sec. 18. [164.152] [BARRICADED ROADS; LIABILITY.]

When a town board, by resolution, closes and barricades a road under its jurisdiction to motor vehicle use, for seasonal recreation use or other purposes, the town board and its officers and employees are exempt from liability for any claim for injury to person or property arising from any use, whether recreational or otherwise, of the barricaded road.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment. Section 4 is effective on approval by the town board of the town of Cannon Falls. Section 5 is effective on approval by the Pine county board. Section 6 is effective on approval by the Kanabec county board. Sections 7 to 17 are effective on approval by the Mora city council. All approvals must comply with section 645.021."

Delete the title and insert:

"A bill for an act relating to local government; authorizing the conduct of town business and elections outside the town; renewal of certain town off-sale liquor licenses; exempting town boards from liability arising from use of certain roads; authorizing the town board of Cannon Falls and the county boards of Pine and Kanabec counties to issue one off-sale liquor license each; permitting the establishment of special service districts in the city of Mora; amending Minnesota Statutes 1984, sections 204B.16, subdivision 1; and 365.51; proposing coding for new law in Minnesota Statutes, chapter 164."

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

Senate Conferees: FLORIAN CHMIELEWSKI, BETTY A. ADKINS and JIM GUSTAFSON.

House Conferees: SYLVESTER B. UPHUS, DENNIS C. FREDERICKSON and LONA A. MINNE.

Uphus moved that the report of the Conference Committee on S. F. No. 676 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 676, A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

The bill was read for the 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.

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

There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | |
|-------|------|---------|--------|
| Clark | Long | Osthoff | Scheid |
|-------|------|---------|--------|

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

Mr. Speaker:

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

H. F. No. 1645, A bill for an act relating to economic development; creating a special enterprise zone for a large manufacturing facility; providing for the taxation of the facility; authorizing the issuance of bonds; providing assistance to locate a large manufacturing facility in the state; appropriating money; amending Minnesota Statutes 1984, sections 273.1312, subdivisions 3 and 4; and 273.1314, subdivisions 3, 4, 6, 7, 8, 9, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1070, A bill for an act relating to occupations and professions; requiring the commissioner of corrections to estab-

lish a program to prevent sexual exploitation by psychotherapists; extending the sexual exploitation task force; establishing a legislative study commission on the regulation of psychotherapists; appropriating money; amending Minnesota Statutes 1984, section 241.021, by adding a subdivision; and Laws 1984, chapter 631, section 1, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 241.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1227, A bill for an act relating to crimes; prohibiting sexual contact or penetration based on deception; providing that a psychotherapist who engages in sexual contact or penetration with a patient is guilty of criminal sexual conduct; limiting admissibility of a patient's personal or medical history; amending Minnesota Statutes 1984, sections 609.341, by adding subdivisions; 609.344; 609.345; and 609.347, by adding a subdivision.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

SPECIAL ORDERS

S. F. No. 1356 which was temporarily laid over earlier today was again reported to the House.

Bishop moved to amend S. F. No. 1356, as follows:

Page 1, after line 9, insert:

"ARTICLE 1
CONFORMITY"

Page 6, after line 28, insert:

"ARTICLE 2
CORRECTIONS"

Section 1. [EFFECT OF AMENDMENTS AND REPEALS.]

Subdivision 1. [CONFLICTS; PREVAILING LAW.] Regardless of the order of final enactment of this article and the acts it amends, the amendments or repeals in this article shall be given effect. Notwithstanding Minnesota Statutes, sections 645.26, subdivision 3, 645.33, or other law, an amendment in this article shall prevail over any other act amending the same provisions of law in an irreconcilable manner.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following its final enactment.

Sec. 2. [CORRECTION.]

Subdivision 1. [INCORRECT REFERENCE.] Laws 1985, chapter 37, section 2, is amended to read:

Sec. 2. [LOCAL APPROVAL.]

Section 1 is effective upon approval by the Roseville city council and compliance with Minnesota Statutes, section (654.021) 645.021.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following final enactment of Laws 1985, chapter 37, section 2.

Sec. 3. [CORRECTION.]

Subdivision 1. [CHAPTER 340 RECODIFICATION; INSTRUCTION TO REVISOR.] *If a provision in Minnesota Statutes, chapter 340 is amended by the 1985 regular session and H. F. No. 1145 is enacted by the 1985 regular session the revisor shall codify the amendment consistent with the recodification of chapter 340 by H. F. No. 1145 notwithstanding any law to the contrary.*

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective the day following its final enactment.

Sec. 4. [CORRECTION.] Subdivision 1. [Number of board members incorrectly added.] S. F. No. 954, section 1, subdivision 1, if enacted at the 1985 regular session, is amended to read:

Subdivision 1. [CREATION AND MEMBERSHIP.] The board of governors of the Big Island Veterans Camp — Lake Minnetonka supervises and manages the camp. The board consists of (NINE) eight members. Two members each are appointed by the state level organization of the American Legion,

the Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars provided that at least two appointees are Vietnam veterans. The commissioner of veterans affairs or the commissioner's designee may attend and participate in an advisory capacity at any of the board meetings. The term of each member of the board is two years or until the appointment and qualification of a successor. The board selects a chairperson and secretary from its membership who serve terms of one year.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day following final enactment of S. F. No. 954 at the 1985 regular session.*

Sec. 5. [CORRECTION.]

Subdivision 1. [INCORRECT NUMBER IN LEGAL DESCRIPTION.] S. F. No. 1171, section 1, subdivision 2, if enacted at the 1985 regular session is amended to read:

Subd. 2. [LAND DESCRIPTION.] The commissioner of natural resources shall offer an easement in the land described in this subdivision to Olmsted county.

(a) A parcel of land in the northwest quarter of section 5, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northwest corner of the northwest quarter; thence north 88 degrees 46 minutes 17 seconds east (for the purpose of this description the north line of the northwest quarter is assumed to be north 88 degrees 46 minutes 17 seconds east) along the north line of the northwest quarter for a distance of 1313.61 feet; thence south 01 degrees 13 minutes 43 seconds east for a distance of 100.00 feet; thence south 87 degrees 06 minutes 46 seconds west for a distance of 941.55 feet; thence south 86 degrees 31 minutes 53 seconds west for a distance of 233.94 feet; thence south 52 degrees 23 minutes 06 seconds west for a distance of 117.75 feet; thence south 00 degrees 06 minutes 36 seconds west for a distance of 304.96 feet; thence south 01 degrees 51 minutes 26 seconds east for a distance of 180.21 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 1870.77 feet more or less to the south line of the northwest quarter; thence westerly along the south line of said quarter to the southwest corner of the northwest quarter for a distance of 46.00 feet; thence north 01 degrees 02 minutes 19 seconds west along the west line of the northwest quarter for a distance of 2561.96 feet to the northwest corner of the northwest quarter and the point of beginning.

(b) A parcel of land consisting of the west 46 feet of the southwest quarter of section 5 lying north of the north right-of-

way line of trunk highway No. 14. The parcel is subject to all existing roadway easements.

(c) A parcel of land in the northeast quarter in section 6, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northeast corner of the northeast quarter of section 6; thence south 89 degrees 34 minutes 27 seconds west (for the purposes of this description the north line of the northeast quarter is assumed to be south 89 degrees 34 minutes 27 seconds west) along the north line of said quarter a distance of 910.58 feet; thence south 00 degrees 07 minutes 33 seconds east for a distance of 86.23 feet; thence south 85 degrees 58 minutes 28 seconds east for a distance of 621.63 feet; thence south 48 degrees 17 minutes 20 seconds east for a distance of 133.16 feet; thence south 08 degrees 23 minutes 21 seconds east for a distance of 251.13 feet; thence south 02 degrees 01 minutes 48 seconds east for a distance of (200.95) 220.95 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 690.71 feet to the north line of the south 1180 feet of the northeast quarter; thence north 88 degrees 47 minutes 30 seconds east for a distance of 157.13 feet to the east line of the northeast quarter; thence north 01 degrees 02 minutes 19 seconds west along the east line of the northeast quarter for a distance of 1381.96 feet to the northeast corner of the northeast quarter and the point of beginning. The parcel is subject to all existing roadway easements.

The parcels in paragraphs (a), (b), and (c) containing 14.0 acres more or less.

(d) A parcel of land in the southeast quarter and the south one-half of the northeast quarter of section 31, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southeast corner of the southeast quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the east line of the southeast quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the east line of said quarter for a distance of 848.56 feet; thence north 31 degrees 33 minutes 48 seconds west for a distance of 394.73 feet; thence northerly 1000.11 feet along a nontangential curve, concave southwesterly, a central angle of 07 degrees 24 minutes 14 seconds, a radius of 7739.44 feet, and the chord of said curve bears north 18 degrees 57 minutes 13 seconds west for a distance of 999.41 feet; thence north 22 degrees 39 minutes 20 seconds west for a distance of 545.41 feet to the north line of the southeast quarter; thence continuing north 22 degrees 39 minutes 20 seconds west for a distance of 1411.85 feet to the north line of the south one-half of the northeast quarter; thence south 89 degrees 35 minutes 55 seconds west along the north line of the south one-half of the northeast quar-

ter for a distance of 216.10 feet; thence south 22 degrees 39 minutes 20 seconds east for a distance of 1412.11 feet to the north line of the southeast quarter; thence continuing south 22 degrees 39 minutes 20 seconds east for a distance of 626.99 feet; thence southerly 1349.73 feet along a tangential curve, concave southwesterly, a central angle of 10 degrees 15 minutes 26 seconds, a radius of 7539.44 feet, and the chord of said curve bears south 17 degrees 31 minutes 37 seconds east for a distance of 1347.93 feet; thence south 06 degrees 05 minutes 53 seconds east, not tangent to curve, for a distance of 539.30 feet; thence south 39 degrees 31 minutes 07 seconds west for a distance of 153.23 feet; thence south 84 degrees 04 minutes 49 seconds west for a distance of 552.74 feet; thence south 00 degrees 07 minutes 33 seconds east for a distance of 63.77 feet to the south line of the southeast quarter; thence north 89 degrees 34 minutes 27 seconds east along the south line of the southeast quarter for a distance of 910.58 feet to the southeast corner of the southeast quarter to the point of beginning.

Less the Chicago and Northwestern Railroad right-of-way in the south one-half of the northeast quarter. The parcel is subject to all existing roadway easements.

This parcel contains 22.21 acres more or less.

(e) A parcel of land in the southwest quarter of the southwest quarter of section 32, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southwest corner of the southwest quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the west line of the southwest quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the west line of said quarter quarter for a distance of 848.56 feet; thence southeasterly 654.77 feet along a nontangential curve, concave southwesterly, a central angle of 04 degrees 46 minutes 24 seconds, a radius of 7859.44 feet, and the chord of said curve bears south 10 degrees 06 minutes 08 seconds east for a distance of 654.58 feet; thence south 47 degrees 06 minutes 34 seconds east for a distance of 127.00 feet; thence south 86 degrees 49 minutes 24 seconds east for a distance of 174.20 feet; thence north 88 degrees 46 minutes 17 seconds east for a distance of 941.35 feet to the east line of the southwest quarter of the southwest quarter; thence south 00 degrees 38 minutes 36 seconds east for a distance of 100.00 feet along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter; thence south 88 degrees 46 minutes 17 seconds west along the south line of said quarter quarter for a distance of 1313.61 feet to the southwest corner of the southwest quarter of the southwest quarter and the point of beginning. The parcel is subject to all existing roadway easements.

This parcel contains 4.27 acres more or less.

(f) That part of the southeast quarter and that part of the south one-half of the northeast quarter of section 31, lying south of the south right-of-way line of the Chicago and Northwestern railroad, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Commencing at the southwest quarter of the southeast quarter; thence north 00 degrees 43 minutes 24 seconds west (for the purpose of this description the west line of the southeast quarter is assumed to be north 00 degrees 43 minutes 24 seconds west) along the west line of southeast quarter for a distance of 2100.00 feet to the point of beginning; thence north 89 degrees 16 minutes 36 seconds east for a distance of 1911.81 feet; thence north 22 degrees 39 minutes 20 seconds west to the north line of the southeast quarter for a distance of 571.30 feet; thence continuing north 22 degrees 39 minutes 20 seconds west to the south right-of-way line of said railroad for a distance of 64.75 feet; thence south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 239.27 feet to the north line of the southeast quarter; thence continuing south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 1488.13 feet to the west line of the southeast quarter; thence south 00 degrees 43 minutes 24 seconds east along the west line of the southeast quarter for a distance of 164.79 feet to the point of beginning. Said tract is subject to all existing roadway easements.

This parcel contains 16.11 acres more or less.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day after final enactment of S. F. No. 1171.*

Sec. 6. [CORRECTION.] Subdivision 1. [TRANSPPOSED NUMBERS.] H. F. No. 98, section 6, if enacted at the 1985 regular session is amended to read:

Sec. 6. [PAYMENT OF AMORTIZATION STATE AID.]

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

The amounts of the amortization state-aid payments for years after 1984 shall be paid to the city of Faribault following application to the commissioner of finance pursuant to section (432A.02) 423A.02.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day following its final enactment.*

Sec. 7. [CORRECTION.] Subdivision 1. [OMITTED LINE.] H. F. No. 98, section 8, if enacted at the 1985 regular session is amended to read:

Sec. 8. [APPROPRIATION.]

There is hereby appropriated during the 1986-87 biennium, the amount of \$11,429,317 for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:

| | FY 1986 | FY 1987 |
|--|----------------|----------------|
| public employees retirement fund | \$1,849,896 | \$1,821,454 |
| public employees police and fire fund | 76,338 | 76,551 |
| teachers retirement fund | 1,569,042 | 1,566,075 |
| state patrol retirement fund | 59,328 | 59,489 |
| state employees retirement fund | 1,316,736 | 1,320,386 |
| <i>Minneapolis employees retirement fund</i> | <i>852,714</i> | <i>861,308</i> |

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective July 1, 1985.*

Amend the title as follows:

Page 1, line 4, after "clarity;" insert "correcting various legislative enactments;"

Page 1, line 7, after "631.09" insert "; Laws 1985, chapter 37, section 2; Laws enacted at the 1985 regular session styled as S. F. Nos. 954, section 1, subdivision 1; 1171, section 1, subdivision 2; H. F. No. 98, sections 6 and 8"

The motion prevailed and the amendment was adopted.

Bishop moved to amend S. F. No. 1356, as amended, as follows:

Page 6, after line 28, insert:

"Sec. 9. 1985 S. F. No. 1363, section 85 is repealed and Laws 1984, chapter 468, section 1, is reenacted."

Renumber the sections in order

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1356, A bill for an act relating to statutes; conforming various laws to judicial decisions of unconstitutionality and suggestions for clarity; amending Minnesota Statutes 1984, sections 3.736, subdivision 3; 65B.44, subdivision 6; 181.13; 429.061, subdivision 1; and 631.09.

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 121 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|----------|----------|----------|---------|-------|
| Brinkman | O'Connor | Simoneau | Thiede | Welle |
| Gruenes | Sarna | Stanius | Valento | |

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

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 3, 1986. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 3, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives