

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1986

SIXTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 10, 1986

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

Prayer was offered by Nancy Knutsen, Director for Witness, American Lutheran Church Women, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Sherman was excused.

Pauly was excused until 3:20 p.m.

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

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1725, 1773, 1699 and 1761 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 424, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; and article XI, sections 7 and 8; eliminating the office of state treasurer; giving the treasurer's powers and duties to another officer provided by law.

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 528, A bill for an act relating to Special School District No. 1 of the city of Minneapolis; increasing the size of the board of education to nine members; providing for six members to be elected by districts; amending Laws 1959, chapter 462, section 3, subdivisions 1 and 3, as amended and renumbered.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1035, A bill for an act relating to frauds; fixing conditions for the legal determination of fraud in property transfers; enacting the uniform fraudulent transfer act; proposing coding for new law in Minnesota Statutes, chapter 513; repealing Minnesota Statutes 1984, sections 513.20; 513.21; 513.22; 513.23; 513.24; 513.25; 513.26; 513.27; 513.28; 513.29; 513.30; 513.31; and 513.32.

Reported the same back with the following amendments:

Page 5, line 21, delete "*or reasonably should*"

Page 5, line 22, delete "*have believed*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1224, A bill for an act relating to courts; providing that tax court judges must be learned in the law; permitting retired tax court judges and district court judges to serve on the tax court; amending Minnesota Statutes 1984, section 271.01, subdivision 1, and by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1599, A bill for an act relating to state monuments; authorizing development of a plan for a memorial to Native Americans; amending Minnesota Statutes 1984, section 138.585, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1764, A bill for an act relating to commerce; providing medical malpractice insurance to health care providers who are unable to obtain the coverage in the voluntary market; regulating malpractice actions against health care providers; providing certification of expert review and the waiver of privilege by health care providers; requiring disclosure of experts; revising the statute of limitations for minors; removing punitive damages; limiting noneconomic losses; changing the collateral source

rule; and providing periodic payments of damages exceeding a threshold limitation; amending Minnesota Statutes 1984, sections 62F.04, subdivision 1, and by adding a subdivision; 62F.06, subdivision 1; 541.15; 549.09, subdivision 1; 549.20, subdivision 1, and by adding a subdivision; and 595.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 62F.04, is amended by adding a subdivision to read:

Subd. 1a. [REAUTHORIZATION.] The authorization to issue insurance is valid for a period of one year from the date it was made. The commissioner may reauthorize the issuance of insurance for an additional one-year period under the terms of subdivision 1. This subdivision is not a limitation on the number of times the commissioner may reauthorize the issuance of insurance.

Sec. 2. Minnesota Statutes 1984, section 62F.06, subdivision 1, is amended to read:

Subdivision 1. A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, 1988, or sooner as provided in sections 62F.01 to 62F.14. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 62F.09. The policy shall be written to apply to (INJURY WHICH RESULTS FROM ACTS OR OMISSIONS) *claims first made against the insured and reported to the association during the policy period.* No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

MALPRACTICE ACTIONS AGAINST HEALTH CARE PROVIDERS

Sec. 3. [145.681] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 3 to 8, the terms defined in this section have the meanings given them.

Subd. 2. [COLLATERAL SOURCE.] "Collateral sources" means payments, related to the injury or disability in question, made to the plaintiff, or on the plaintiff's behalf, by or pursuant to:

(1) *the United States Social Security Act; any federal, state, or local income disability or workers' compensation act; and any other public programs providing medical expenses, disability payments, or other similar benefits;*

(2) *health, sickness, or income disability insurance; automobile accident insurance or liability insurance that provide health benefits or income disability coverage; and other similar insurance benefits, except life insurance benefits available to the plaintiff, whether purchased by the plaintiff or provided by others;*

(3) *a contract or agreement of a group, organization, partnership, or corporation to provide, pay for, or reimburse the costs of hospital, medical, dental, or other health care services;*

(4) *a contractual or voluntary wage continuation plan provided by employers or other system intended to provide wages during a period of disability.*

Subd. 3. [ECONOMIC LOSS.] *"Economic loss" means all pecuniary harm for which damages are recoverable, including, but not limited to, medical expenses, loss of earnings, and loss of earning capacity.*

Subd. 4. [EQUIVALENT LUMP SUM VALUE.] *"Equivalent lump sum value" means the present value of the future damages awarded as determined by the court in accordance with section 7, subdivision 4, paragraph (b).*

Subd. 5. [FUTURE DAMAGES.] *"Future damages" means all damages which the trier of fact finds will accrue after the damage findings are made.*

Subd. 6. [HEALTH CARE PROVIDER.] *"Health care provider" means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4.*

Subd. 7. [NONECONOMIC LOSS.] *"Noneconomic loss" means all nonpecuniary harm for which damages are recoverable, including, but not limited to, pain, disability, disfigurement, embarrassment, emotional distress, and loss of consortium.*

Subd. 8. [PAST DAMAGES.] *"Past damages" means all damages that have accrued when the damage findings are made.*

Subd. 9. [PERIODIC AWARD.] *"Periodic award" means that amount payable to the plaintiff periodically into the future and determined by the court by deducting from the future dam-*

ages awarded by the trier of fact amounts payable to the plaintiff's attorney under section 7, subdivision 4, paragraph (d) and reimbursement to subrogees under section 7, subdivision 4, paragraph (e).

Subd. 10. [PRESENT AWARD.] "Present award" means that amount payable in lump sum upon entry of judgment, including the amount awarded for past damages, contingent attorney's fees calculated under section 7, subdivision 4, paragraph (c) and reimbursement to subrogees under section 7, subdivision 4, paragraph (e).

Subd. 11. [RECOVERED.] "Recovered" means the amount of money the plaintiff is entitled to receive after the application of any rules of law including setoffs, comparative fault, additurs, and remittiturs.

Subd. 12. [TOTAL AWARD.] "Total award" means the equivalent lump sum value of future damages added to the amount of past damages awarded.

Sec. 4. [145.682] [CERTIFICATION OF EXPERT REVIEW; AFFIDAVIT.]

Subdivision 1. [REQUIREMENT.] In an action alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider which includes a cause of action as to which expert testimony is necessary to establish a prima facie case, the plaintiff must: (1) unless otherwise provided in subdivision 2, paragraph (b), serve upon defendant with the summons and complaint an affidavit as provided in subdivision 2; and (2) serve upon defendant within 120 days after commencement of the suit an affidavit as provided by subdivision 3.

Subd. 2. [AFFIDAVIT OF EXPERT REVIEW.] The affidavit required by subdivision 1, clause (1), must be by the plaintiff's attorney and state that:

(a) the facts of the case have been reviewed by the plaintiff's attorney with an expert whose qualifications provide a reasonable expectation that the expert's opinions will be admissible at trial and that, in the opinion of this expert, each defendant deviated from the applicable standard of care for that defendant and by that action caused injury to the plaintiff; or

(b) the expert review required by paragraph (a) could not reasonably be obtained before the action was commenced because of the applicable statute of limitations. If an affidavit is executed pursuant to this paragraph, the affidavit in subdivision 2, paragraph (a) must be served on defendant or the defendant's counsel within 90 days after service of the summons and complaint.

Subd. 3. [IDENTIFICATION OF EXPERTS TO BE CALLED.] *The affidavit required by subdivision 1, clause (2), must be by the plaintiff's attorney and state the identity of each person whom plaintiff expects to call as an expert witness at trial to testify with respect to the issues of malpractice or causation, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. Answers to interrogatories that state the information required by this subdivision satisfy the requirements of this subdivision if they are signed by the plaintiff's attorney and served upon the defendant within 120 days after commencement of the suit against the defendant.*

Subd. 4. [RESPONSIBILITIES OF PLAINTIFF AS ATTORNEY.] *If the plaintiff is acting pro se, the plaintiff shall sign the affidavit or answers to interrogatories referred to in this section and is bound by those provisions as if represented by an attorney.*

Subd. 5. [PENALTY FOR NONCOMPLIANCE.] *Failure to comply with subdivisions 1 to 4 results, upon motion, in mandatory dismissal with prejudice of each cause of action as to which expert testimony is necessary to establish a prima facie case.*

Subd. 6. [CONSEQUENCES OF SIGNING AFFIDAVIT.] *The signature of the plaintiff or the plaintiff's attorney constitutes a certification that the person has read the affidavit or answers to interrogatories, and that to the best of the person's knowledge, information, and belief formed after a reasonable inquiry, it is true, accurate, and made in good faith. If a certification is made in violation of this subdivision, the violation constitutes unprofessional conduct and is grounds for discipline against the attorney, and subjects the attorney or plaintiff to reasonable attorney's fees, costs, and disbursements.*

Sec. 5. [145.683] [NOTICE TO SUBROGEEES.]

Subdivision 1. [REQUIREMENT.] *In an action alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider, the plaintiff must send notice of the action by certified mail to all persons who have made payments to the plaintiff or on the plaintiff's behalf or who are likely to make payments to the plaintiff or on the plaintiff's behalf for the loss alleged to have been suffered in the action. The notice must be sent simultaneously with the service of the summons and complaint in the action.*

Subd. 2. [WAIVER OF RIGHT.] *No subrogation right may be asserted under section 8, subdivision 1, clause (1), after entry of the verdict if the person asserting the right has been sent a notification under this section.*

Sec. 6. [145.684] [NONECONOMIC LOSSES; LIMITATIONS.]

In actions for malpractice, error, mistake, or failure to cure, whether based on contract or tort, against health care providers, the amount of damages for noneconomic losses must not exceed \$250,000.

Sec. 7. [145.685] [PERIODIC PAYMENT OF DAMAGES.]

Subdivision 1. [ELECTION OF PERIODIC PAYMENT.]
In actions for malpractice, error, mistake, or failure to cure, whether based on contract or tort, against health care providers where the trier of fact awards future damages in excess of \$100,000, the court may upon its own initiative, and shall, upon motion by any party within ten days of the date of entry of the verdict, order that the award, after appropriate deductions in accordance with subdivision 4, be paid out periodically for the benefit of the plaintiff or plaintiffs in accordance with this section.

Subd. 2. [SPECIAL FINDINGS REQUIRED.] (a) *If liability is found in a trial under this section, the trier of fact shall make separate findings for each plaintiff specifying the amount of:*

- (1) *past damages; and*
- (2) *future damages of each of the following types:*
 - (i) *medical expenses;*
 - (ii) *loss of earnings or loss of earning capacity; and*
 - (iii) *noneconomic loss.*

(b) *For each of the type of damages specified in paragraph (a), clause (2), the trier of fact shall specify the period of time over which the damage will occur.*

(c) *If the trier of fact finds that certain future damages will accrue for definite number of years, periodic payments for those damages must be calculated based on the definite number of years.*

(d) *If the trier of fact finds that certain future damages will accrue for the remainder of the plaintiff's life, the trier of fact shall specify the remaining life expectancy of the plaintiff, and periodic payments for those damages must be calculated based on that remaining life expectancy.*

Subd. 3. [DETERMINATION OF FUTURE DAMAGES.]
(a) *In all trials under this section, future damages must be*

calculated by the trier of fact without discounting future damages to present value.

(b) In all jury trials in which special findings are required under this section, the jury must be informed that with respect to future damages:

(1) the law takes into account the fact that those payments may be made in the future rather than in one lump sum now; and

(2) the jury shall make their findings on the assumption that appropriate adjustments for the present value of those payments will be made later and that the jury should not discount future damages to present value.

Subd. 4. [BASIS FOR DETERMINING JUDGMENT TO BE ENTERED.] *In order to determine what judgment is to be entered on a verdict requiring special findings under this section, the court shall proceed as follows:*

(a) Any applicable rules of law, including setoffs, comparative fault, additurs and remittiturs must be applied to the findings of past and future damages.

(b) The equivalent lump sum value of future damages must be calculated by applying to the future damage award a discount factor equal to the rate of prejudgment interest determined pursuant to section 549.09.

(c) Contingent attorney's fees must be calculated based on the total award and must be allocated proportionately between the present award and the periodic award.

(d) Contingent attorney's fees as calculated under paragraph (c) and litigation expenses must be paid in lump sum or periodically pursuant to an agreement between the plaintiff and the plaintiff's attorney. Contingent attorney's fees allocable to the periodic award but payable in lump sum must be deducted from the amount of future damages awarded.

(e) Any part of future damages allocable to reimbursement of payments previously made by a subrogee must be paid in lump sum upon election by the subrogee. The election must be filed by the subrogee within ten days of the date of entry of the verdict. Amounts payable to subrogees under this section must be deducted from the amount of future damages awarded.

(f) The amount of the periodic award must be determined by the court by deducting the amounts payable under paragraphs (d) and (e) from the amount of future damages awarded by the trier of fact.

(g) In an action for wrongful death, the calculation of all amounts and awards under this section must be based on the total recovery for all beneficiaries of the action.

Subd. 5. [ENTRY OF JUDGMENT.] *(a) The court shall enter judgment in lump sum for the present award that includes:*

- (1) the amount recoverable by the plaintiff for past damages;*
- (2) contingent attorney's fees as calculated under subdivision 4, paragraph (c); and*
- (3) amounts payable to subrogees under subdivision 4, paragraph (e) if any.*

(b) The court shall enter judgment for the periodic award in accordance with subdivision 6.

Subd. 6. [PAYMENT OF PERIODIC AWARD.] *(a) Subject to the provisions of subdivision 7, the schedule of periodic payments may not be adjusted or otherwise modified following final judgment.*

(b) Unless the court directs otherwise or the parties otherwise agree, payments must be scheduled at one-month intervals. Payments are due at the beginning of each interval.

(c) Payments must be made in accordance with the special findings required in subdivision 2, paragraphs (c) and (d).

Subd. 7. [EFFECT OF DEATH.] *(a) All periodic payments for future damages to the plaintiff cease when the plaintiff dies, subject to the following exceptions:*

(1) if the trier of fact awarded future damages for loss of earnings or loss of earnings capacity under subdivision 2, paragraph (a), clause (2), item (ii); and

(2) if the plaintiff is survived by a spouse or a dependent or dependents under age 21, the periodic payment for loss of earnings or earnings capacity shall continue until the death of the spouse or the last dependent reaches the age of 21, whichever is later.

Under no circumstances shall payments continue longer than they would have had the plaintiff not died.

(b) If, in an action for wrongful death, the judgment for the periodic award provides payments to more than one beneficiary, and one or more but fewer than all of them die, the surviving beneficiaries succeed to the shares of the deceased beneficiaries. The

surviving beneficiaries are entitled to shares proportionate to shares in the periodic award not yet paid, but they are not entitled to receive payments beyond the respective periods specified for them in the judgment.

Subd. 8. [FORM OF SECURITY.] *(a) Security authorized or required for payment of a judgment for a periodic award entered in accordance with this section must be in one or more of the following forms and approved as to quality by the court:*

- (1) a bond executed by a qualified insurer;*
- (2) an annuity contract executed by a qualified insurer;*
- (3) evidence of applicable and collectible liability insurance with one or more qualified insurers;*
- (4) an agreement by one or more qualified insurers to guarantee payment of the judgment; or*
- (5) any other satisfactory form of security.*

(b) Security complying with this section serves also as a required supersedeas bond.

Subd. 9. [POSTING AND MAINTAINING SECURITY.] *(a) Each party liable for all or a portion of the judgment shall separately or jointly with one or more others post security in an amount equal to the equivalent lump sum value of the unpaid judgment, including past damages, in a form prescribed in subdivision 8, within 30 days after the date the judgment is subject to enforcement. A liability insurer having a contractual obligation and any other person adjudged to have an obligation to pay all or part of a judgment for periodic payments on behalf of a judgment debtor is obligated to post security to the extent of its contractual or adjudged obligation if the judgment debtor has not done so.*

(b) A judgment creditor or successor in interest and any party having rights under this section may move that the court find that security has not been posted and maintained with regard to a judgment obligation owing to the moving party. Upon so finding, the court shall order that security complying with this section be posted within 30 days. If the security is not posted within that time, the court shall calculate the equivalent lump sum value of the obligation and enter a judgment for that amount in favor of the moving party.

(c) If a judgment debtor who is the only person liable for all or a portion of the judgment requiring security under this section fails to post and maintain security, the right to lump sum pay-

ment described in paragraph (b) applies only against that judgment debtor and the portion of the judgment so owed.

Subd. 10. [LIABILITY INSURANCE POLICY LIMITS.]
(a) In determining whether and to what extent a judgment under this section exceeds limits under a liability insurance policy, the total award must be compared to the applicable policy limits.

(b) If the total award does not exceed applicable policy limits when judgment is entered, amounts due by reason of future periodic payments are entirely within those limits.

(c) If the total award exceeds applicable policy limits when the judgment is entered, the future periodic payments must be allocated proportionately to amounts within and amounts in excess of those limits.

Subd. 11. [ASSIGNMENT OF PERIODIC PAYMENTS.]
An assignment of or an agreement to assign a right to periodic payments for future damages contained in a judgment is enforceable only as to amounts:

(1) to secure payment of alimony, maintenance, or child support;

(2) for the costs of products, services, or accommodations provided or to be provided by the assignee for medical or other health care; or

(3) for attorney's fees and other expenses of litigation incurred in securing the judgment.

Subd. 12. [EXEMPTION OF BENEFITS.] *Except to the extent that they may be assigned under subdivision 11, periodic payments for all future damages are exempt from garnishment, attachment, execution, and any other process or claim to the extent that wages or earnings are exempt under any applicable law.*

Subd. 13. [SETTLEMENT AGREEMENTS AND CONSENT JUDGMENTS.] *(a) Parties to an action alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider may file with the clerk of the court in which the action is pending or, if none is pending, with the clerk of a court of competent jurisdiction over the claim, a settlement agreement for future damages payable in periodic payments. The settlement agreement may provide that one or more of the subdivisions in this section apply to it.*

(b) Upon petition of the parties, a court of competent jurisdiction may enter a consent judgment adopting one or more subdivisions in this section.

Subd. 14. [SATISFACTION OF JUDGMENTS.] If security is posted in accordance with subdivision 9 and approved under a final judgment, the judgment is satisfied and the judgment debtor on whose behalf the security is posted is discharged.

Subd. 15. [DUTIES OF COMMISSIONER OF COMMERCE.] The commissioner of commerce shall adopt rules:

(1) for determining which insurers, self-insurers, plans, arrangements, reciprocals, or other entities under the commissioner's regulation are financially qualified to provide the security required under subdivision 9 and to be designated as qualified insurers; and

(2) to require insurers to post security under subdivision 9 if found by the court to be obligated and capable of posting security.

Sec. 8. [145.686] [COLLATERAL SOURCES CALCULATIONS.]

Subdivision 1. [MOTION.] In an action alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider in which liability is admitted or is determined by the trier of fact and damages are awarded to compensate the plaintiff for losses sustained, a party may file a motion within ten days of the date of entry of the verdict requesting determination of collateral sources. If the motion is filed, the parties shall submit written evidence of, and the court shall determine:

(1) amounts of collateral sources that have been paid for the benefit of the plaintiff or are otherwise available to the plaintiff as a result of losses except those for which a subrogation right has been asserted; and

(2) amounts that have been paid, contributed, or forfeited by, or on behalf of, the plaintiff or members of the plaintiff's immediate family for the two-year period immediately preceding the accrual of the action to secure the right to a collateral source benefit that the plaintiff is receiving as a result of losses.

Subd. 2. [DUTIES OF THE COURT.] (a) The court shall reduce the award by the amounts determined under subdivision 1, clause (1), and offset any reduction in the award by the amounts determined under subdivision 1, clause (2).

(b) If the court is unable to determine the amounts specified in paragraph (a) on the basis of the written evidence submitted, the court may within ten days request additional written evidence or schedule a conference with the parties to obtain further evidence.

Subd. 8. [CALCULATION OF ATTORNEY'S FEES.] In the event that the fees for legal services provided to the plaintiff are based on a percentage of the amount of money awarded to the plaintiff, the percentage must be based on the amount of the award as adjusted under subdivision 2.

Sec. 9. Minnesota Statutes 1984, section 541.15, is amended to read:

541.15 [PERIODS OF DISABILITY NOT COUNTED.]

Any of the following grounds of disability, existing at the time when a cause of action accrued or arising anytime during the period of limitation, shall suspend the running of the period of limitation until the same is removed; provided that such period, except in the case of infancy in actions other than actions alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider, shall not be extended for more than five years, nor in any case for more than one year after the disability ceases:

- (1) That the plaintiff is within the age of 18 years;
- (2) His insanity;
- (3) His imprisonment on a criminal charge, or under a sentence of a criminal court for a term less than his natural life;
- (4) Is an alien and the subject or citizen of a country at war with the United States;
- (5) When the beginning of the action is stayed by injunction or by statutory prohibition.

If two or more disabilities shall coexist, the suspension shall continue until all are removed.

For purposes of this section, health care provider means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4.

Sec. 10. Minnesota Statutes 1984, section 549.09, subdivision 1, is amended to read:

Subdivision 1. [WHEN OWED; RATE.] (a) When the judgment is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict or report until judgment is finally entered shall be computed by the clerk as provided in clause (c) and added to the judgment. (b) Except as otherwise provided by contract or allowed by law,

pre-verdict or pre-report interest on pecuniary damages shall be computed as provided in clause (c) from the time of the commencement of the action, except as provided herein. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counter-offer within 60 days. After that time interest on the judgment shall be calculated by the judge in the following manner. The prevailing party shall receive interest on any judgment from the time the action was commenced or as to special damages from the time when special damages were incurred, if later than commencement of the action, until the time of verdict or report only if the amount of its offer is closer to the judgment than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment, whichever is less, and only from the time the action was commenced or as to special damages from when the special damages were incurred if later than commencement of the action until the time the settlement offer was made. *For the purposes of clause (3), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact.* Except as otherwise provided by contract or allowed by law, pre-verdict or pre-report interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments, decrees, or orders in dissolution, annulment, or legal separation actions;

(3) *judgments for future damages in an action alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider. For purposes of this clause, health care provider means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4;*

(4) punitive damages, fines, or other damages that are non-compensatory in nature;

((4)) (5) judgments not in excess of the amount specified in section 487.30; and

((5)) (6) that portion of any verdict or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court. (c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the secondary market yield on one year United States treasury bills for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the federal reserve system. This yield, rounded to the nearest one percent, shall be the annual interest rate during the succeeding calendar year; provided, however, that in no event shall the rate of interest be less than eight percent per annum. The state court administrator shall communicate the interest rate to the clerks of court for their use in computing the interest on verdicts.

Sec. 11. Minnesota Statutes 1984, section 549.20, subdivision 1, is amended to read:

Subdivision 1. *Except as provided in subdivision 4, punitive damages shall be allowed in civil actions only upon clear and convincing evidence that the acts of the defendant show a willful indifference to the rights or safety of others.*

Sec. 12. Minnesota Statutes 1984, section 549.20, is amended by adding a subdivision to read:

Subd. 4. No punitive damages shall be allowed in actions alleging malpractice, error, mistake, or failure to cure, whether based on contract or tort, against health care providers. For purposes of this subdivision health care provider means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4.

Sec. 13. Minnesota Statutes 1984, section 595.02, is amended by adding a subdivision to read:

Subd. 5. [WAIVER OF PRIVILEGE FOR HEALTH CARE PROVIDERS.] A party who commences an action for malpractice, error, mistake, or failure to cure, whether based on contract or tort, against a health care provider on the person's own behalf or in a representative capacity, waives in that action any privilege existing under subdivision 1, paragraphs (d) and (g) as to any information or opinion in the possession of a health care provider who has examined or cared for the party or other person whose health or medical condition has been placed in controversy in the action. This waiver must permit all parties to the action, and their attorneys or authorized representatives, to informally discuss ex parte the information or opinion with the health care provider if the provider consents. Appropriate medical authorizations permitting discussion must be provided by the party commencing the action upon request from any other party.

A health care provider may refuse to consent to the ex parte discussion but, in that event, the party seeking the information

or opinion may take the deposition of the health care provider with respect to that information and opinion, without obtaining a prior court order.

For purposes of this subdivision, "health care provider" means a physician, surgeon, dentist, or other health care professional or hospital, including all persons or entities providing health care as defined in section 145.61, subdivisions 2 and 4.

Sec. 14. [APPLICATION.]

Sections 3 to 13 apply to all actions commenced on or after the effective date of those sections.

Sec. 15. [EFFECTIVE DATE.]

Section 9 is effective January 1, 1987."

Delete the title and insert:

"A bill for an act relating to commerce; regulating medical malpractice insurance to health care providers who are unable to obtain the coverage in the voluntary market; regulating malpractice actions against health care providers; providing certification of expert review and the waiver of privilege by health care providers; requiring disclosure of experts; revising the statute of limitations for minors; removing punitive damages; limiting noneconomic losses; changing the collateral source rule; and providing periodic payments of damages exceeding a threshold limitation; amending Minnesota Statutes 1984, sections 62F.04, by adding a subdivision; 62F.06, subdivision 1; 541.15; 549.09, subdivision 1; 549.20, subdivision 1, and by adding a subdivision; and 595.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145."

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

H. F. No. 1779, A bill for an act relating to the University of Minnesota; appropriating money for agricultural extension service and experiment station projects.

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

The report was adopted.

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

H. F. No. 1806, A bill for an act relating to credit unions; permitting credit unions to offer self-directed individual retirement accounts; amending Minnesota Statutes 1985 Supplement, section 52.04, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 48.15, is amended by adding a subdivision to read:

Subd. 4. [RETIREMENT ACCOUNTS.] A state bank may act as trustee or custodian of a self-employed retirement plan under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended, and of an individual retirement account under the Federal Employee Retirement Income Security Act of 1974, as amended, if the bank's duties as trustee or custodian are essentially ministerial or custodial in nature and the funds are invested only (1) in the bank's own savings or time deposits; or (2) in any other assets at the direction of the customer if the bank does not exercise any investment discretion, invest the funds in collective investment funds administered by it, or provide any investment advice with respect to those account assets.

Affiliated discount brokers may be utilized by the bank acting as trustee or custodian for self-directed IRA's, if specifically authorized and directed in appropriate documents. The relationship between the affiliated broker and the bank must be fully disclosed. Brokerage commissions to be charged to the IRA by the affiliated broker should be accurately disclosed. Provisions should be made for disclosure of any changes in commission rates prior to their becoming effective. The affiliated broker may not provide investment advice to the customer. All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision. The authority granted by this section is in addition to, and not limited by, section 47.75."

Page 6, line 8, after "a" insert "deposit"

Page 6, line 16, after "in" insert "deposit"

Page 6, after line 17, insert:

"Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Renumber the section

Amend the title as follows:

Page 1, line 2, delete the first "credit unions" and insert "financial institutions" and after "permitting" insert "state banks and"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1984, section 48.15, by adding a subdivision; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1826, A resolution memorializing the governments of the United States and the Socialist Republic of Vietnam to take all possible actions to determine the fate of persons missing in action in Southeast Asia; joining with the families of those who are missing in the hope that their long wait will soon be over.

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

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1841, 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; providing instructions to the revisor; amending Minnesota Statutes 1984, sections 8.32, subdivision 2; 10A.01, subdivision 11; 10A.04, subdivision 4a; 16A.631; 47.58, subdivision 5; 62D.22, subdivision 8; 116C.03, subdivision 2; 116J.70, subdivision 2a; 116M.08, subdivision 17; 121.15, subdivision 2; 124.155, subdivision 1; 124A.02, subdivision 14; 136D.74, subdivision 2; 144.224; 176A.01, subdivision 1; 179A.10, subdivision 3; 253B.02, subdivision 4a; 260.015, subdivision 24; 260.245; 327C.07, subdivision 3a; 349.214, subdivision 2; 383A.23, subdivision 5; 385.24; 403.12, subdivision 1; 414.061, subdivisions 4 and 4a; 462A.21, subdivision 8a; 494.03; 518B.01, subdivision 2; 571.495, subdivision 2; 590.01, subdivision 1; 609.346, subdivision 3; 609.347, subdivision 3; 609.348; 609.35; 611A.03, subdivision 3; 628.26; Minnesota Statutes 1985 Sup-

plement, sections 47.20, subdivision 6c; 64B.05, subdivision 1; 64B.37, subdivision 2; 69.011, subdivision 1; 97.50, subdivision 1; 116M.03, subdivision 28; 124.32, subdivision 1d; 145.917, subdivision 4; 147.01, subdivision 4; 147.073, subdivision 1; 168.27, subdivision 11; 248.07, subdivision 7; 256B.091, subdivision 4; 256D.37, subdivision 1; 256F.05, subdivision 4; 256F.06, subdivision 1; 273.124, subdivision 5; 297C.03, subdivision 1; 298.02, subdivision 1; 340A.702; 356.216; 358.44; 414.061, subdivision 5; 458.16, subdivision 6; 473.831, subdivision 1; 527.41; 527.42; 527.43; 528.15; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.3471; 626.556, subdivision 2; 631.045; proposing coding for new law in Minnesota Statutes, chapter 206; repealing Minnesota Statutes 1984, section 35.067; 383A.23, subdivisions 2, 3, and 4; 403.12, subdivisions 2 and 3; Laws 1984, chapter 560, section 24; Laws 1985, chapters 248, sections 28 and 29; 252, section 24; Laws 1985, First Special Session: chapters 9, article 2, section 89; 14, article 3, section 13; 14, article 4, sections 37 and 91.

Reported the same back with the following amendments:

Page 29 of the text of the bill, line 33, after the period insert:

"Sec. 39. Minnesota Statutes 1985 Supplement, section 340A.404, subdivision 5, is amended to read:

Subd. 5. [WINE LICENSES.] A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 14 percent alcohol by volume for consumption with the sale of food. *A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days except Sundays.*

Sec. 40. Minnesota Statutes 1985 Supplement, section 340A.-409, subdivision 1, is amended to read:

Subdivision 1. [INSURANCE REQUIRED.] No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing:

(1) a certificate that there is in effect for the license period an insurance policy or pool providing at least \$50,000 of coverage because of bodily injury to any one person in any one occurrence,

\$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of property of others in any one occurrence, \$50,000 for loss of means of support of any one person in any one occurrence, and \$100,000 for loss of means of support of two or more persons in any one occurrence (. AN ANNUAL AGGREGATE POLICY LIMIT FOR DRAMSHOP LIABILITY OF NOT LESS THAN \$300,000 PER POLICY YEAR MAY BE INCLUDED IN THE POLICY PROVISIONS);

(2) a bond of a surety company with minimum coverages as provided in clause (1); or

(3) a certificate of the state treasurer that the licensee has deposited with the state treasurer \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000 (;).

((4)) This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage.

An annual aggregate policy limit for dram shop insurance of not less than \$300,000 per policy year may be included in the policy provisions.

A liability insurance policy required by this section must provide that it may not be canceled for any cause by either the insured or the insurer unless the canceling party has first given ten days' notice in writing to the issuing authority of intent to cancel the policy.

Sec. 41. Minnesota Statutes 1985 Supplement, section 340A.410, is amended by adding a subdivision to read:

Subd. 8. [COPY OF SUMMONS.] Every application for the issuance or renewal of intoxicating or nonintoxicating liquor licenses must include a copy of each summons received by the applicant under section 340A.802 during the preceding year.

Sec. 42. Minnesota Statutes 1985 Supplement, section 340A.412, subdivision 1, is amended to read:

Subdivision 1. [BOND REQUIRED.] A local unit of government shall not grant a retail license to sell intoxicating liquor until the applicant has filed a bond with corporate surety, or cash, or United States government bonds in the amount of not less than \$3,000 nor more than \$5,000 for on-sale licenses, and not less than \$1,000 nor more than \$3,000 for off-sale licenses. A common carrier who applies for a license to sell intoxicating liquor under section 340A.407, must file with the commissioner a bond with corporate surety, or cash, or govern-

ment bonds in the sum of \$1,000. A bond filed under this subdivision must be conditional on the licensee obeying all laws governing the business and paying all taxes, fees, penalties, and other charges, and must provide that the bond is forfeited to the unit of government issuing the license on a violation of law. The commissioner must approve all bonds filed by applicants for an off-sale license.

(EVERY APPLICATION FOR THE ISSUANCE OR RENEWAL OF A LICENSE FOR THE SALE OF INTOXICATING OR NONINTOXICATING LIQUOR MUST INCLUDE A COPY OF EACH SUMMONS RECEIVED BY THE APPLICANT UNDER SECTION 340A.802 DURING THE PRECEDING YEAR.)

Sec. 43. Minnesota Statutes 1985 Supplement, section 340A.-412, subdivision 9, is amended to read:

Subd. 9. [LICENSE TRANSFER.] A license may be transferred with the consent of the issuing authority, provided that a license (IS) issued to a location at a racetrack licensed under chapter 240 may not be transferred. Where a license is held by a corporation, a change in ownership of ten percent or more of the stock of the corporation must be reported in writing to the authority who issued the license within ten days of the transfer.

Sec. 44. Minnesota Statutes 1985 Supplement, section 340A.-415, is amended to read:

340A.415 [LICENSE REVOCATION OR SUSPENSION.]

The authority issuing or approving any retail license or permit under this chapter shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, regulation, or ordinance relating to alcoholic beverages. No suspension or revocation takes effect until the license or permit holder has been afforded an opportunity for a hearing under (CHAPTER 14) sections 14.57 to 14.70 of the administrative procedure act.

Sec. 45. [340A.510] [WINE SAMPLES.]

Off-sale licenses and municipal liquor stores may 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. 46. Minnesota Statutes 1985 Supplement, section 340A.-802, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF INJURY.] A person who claims damages and a person or insurer who claims contribution or indemnity from a licensed retailer of alcoholic beverages or municipal liquor store for or because of an injury within the scope of section 340A.801 must give a written notice to the licensee or municipality stating:

(1) the time and date when and person to whom the (LIQUOR WAS) *alcoholic beverages were* sold or bartered;

(2) the name and address of the person or persons who were injured or whose property was damaged; and

(3) the approximate time and date, and the place where the injury to person or property occurred.

A licensee or municipality who claims contribution or indemnification from another licensee or municipality must give a written notice to the other licensee or municipality in the form and manner specified in this section.

An error or omission in the notice does not void the notice's effect if the notice is otherwise valid unless the error or omission is of a substantially material nature."

Renumber the remaining sections in order

Page 7 of the memorandum of information, line 17, after the period insert:

"Sec. 39. *Explanation.* This section adds a sentence to the wine license law which was inadvertently omitted from the recodification law. The provision, allowing restaurants with wine licenses to sell wine on Sunday without a Sunday license unless the Sunday license is required by a local ordinance, is taken from the now repealed section 340.11, subdivision 20, clause (c).

Sec. 40. *Explanation.* This section makes three corrections:

(a) The language on annual aggregate limits for dram shop insurance policies is moved, without change, to a more appropriate place in the subdivision.

(b) An unnecessary numbering of a paragraph is deleted.

(c) The provision in prior law, section 340.12, requiring ten days' notice of intent to cancel a dram shop insurance policy, which was inadvertently not included in the recodification law, is restored.

Sec. 41. and Sec. 42. *Explanation.* These sections transfer, without change, the law requiring retail license applications to include copies of dram shop summonses for the previous year. The codification in Minnesota Statutes 1985 Supplement placed this provision in an inappropriate location.

Sec. 43. *Explanation.* This section deletes a superfluous word.

Sec. 44. *Explanation.* This section corrects the reference to the contested case sections of the administrative procedures act in the law governing suspension and revocation of retail licenses. The correction would make the reference identical to the reference to contested case sections now found in the law governing suspension and revocation of wholesale licenses. This change would make both references identical to the comparable reference in prior law, section 340.135.

This change has substantive implications. In *Hymanson v. City of St. Paul*, 329 N.W. 2d 324, the Minnesota supreme court ruled that the prior law's reference only to sections 14.57 to 14.70 of the administrative procedure act, rather than to the act as a whole, meant that a municipality granting a hearing on a liquor license revocation does not have to appoint a hearing examiner to conduct the proceedings.

Sec. 45. *Explanation.* This section restores a provision in prior law, section 340.11, subdivision 15, which was inadvertently omitted in the recodification. The provision allows off-sale liquor stores to offer wine samples.

Sec. 46. *Explanation.* This section removes in the dram shop notice law, an archaic reference to "liquor" and substitutes a reference to "alcoholic beverages." This change makes the reference consistent with the dram shop act, which has since 1982 covered all alcoholic beverages."

Renumber the remaining sections in order

Amend the title as follows:

Page 1, line 32, after "subdivision 1;" insert "340A.404, subdivision 5; 340A.409, subdivision 1; 340A.410, by adding a subdivision; 340A.412, subdivisions 1 and 9; 340A.415;"

Page 1, line 32, after "340A.702;" insert "340A.802, subdivision 1;"

Page 1, line 38, delete "chapter 206" and insert "chapters 206 and 340A"

Page 1, line 43, delete the colon

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1870, A bill for an act relating to veterans; providing for free motor vehicle license plates for former prisoners of war; amending Minnesota Statutes 1984, section 168.125.

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

The report was adopted.

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

H. F. No. 1871, A bill for an act relating to veterans; clarifying certain terms; providing for payment of compensation to certain patients and residents of state institutions; amending Minnesota Statutes 1984, section 246.151; and Minnesota Statutes 1985 Supplement, section 136C.13, subdivision 4.

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

The report was adopted.

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

H. F. No. 1897, A bill for an act relating to commerce; motor fuel franchises; extending the temporary prohibition on certain building alterations that eliminate service bays; amending Laws 1984, chapter 444, section 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1035, 1224, 1806, 1826, 1841, 1871 and 1897 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Levi and McPherson introduced:

H. F. No. 1911, A bill for an act relating to natural resources; authorizing watershed management organizations to establish taxing districts within minor watershed units of watersheds; amending Minnesota Statutes 1984, section 473.883, subdivisions 2, 3, 6, and 7; Minnesota Statutes 1985 Supplement, section 473.882, subdivision 1.

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

Frederickson, Valento, Johnson, McEachern and Anderson, G., introduced:

H. F. No. 1912, A bill for an act relating to public administration; providing for various town powers; permitting certain sales of public property; providing conditions for contractor's bonds; amending Minnesota Statutes 1984, sections 366.01, subdivision 1; 367.05, subdivision 1; 367.81, subdivision 4; 471.64, subdivision 1; and 624.44; and Minnesota Statutes 1985 Supplement, sections 365.10; and 574.26.

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

Seaberg introduced:

H. F. No. 1913, A bill for an act relating to appropriations; allowing appropriation to department of public safety for fingerprint identification network to be available for second year of biennium; amending Laws 1985, first special session chapter 13, section 53.

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

Clark introduced :

H. F. No. 1914, A bill for an act relating to cemeteries; changing procedures for dealing with certain burial sites; increasing a penalty; amending Minnesota Statutes 1984, section 307.08.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Waltman introduced :

H. F. No. 1915, A bill for an act relating to state government; clarifying the definition of "rule" in the administrative procedure act; assigning additional duties to the legislative commission to review administrative rules; amending Minnesota Statutes 1985 Supplement, sections 14.02, subdivision 4; and 14.40.

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

Voss, Kvam and Brinkman introduced :

H. F. No. 1916, A bill for an act relating to insurance; requiring notification to the issuing insurer when replacing a life insurance policy; amending Minnesota Statutes 1984, section 72A.20, by adding a subdivision.

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

Beigich and Battaglia introduced :

H. F. No. 1917, A bill for an act relating to retirement; authorizing benefit increases for retired Eveleth police officers, firefighters, and surviving spouses.

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

Nelson, D., and Rose introduced :

H. F. No. 1918, A bill for an act relating to health; providing that mosquito research and management activities are not ecologically disruptive; amending Minnesota Statutes 1985 Supplement, section 144.95, subdivisions 1, 2, 3, 7, 9, and 10.

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

Levi, Haukoos, Erickson and Backlund introduced:

H. F. No. 1919, A bill for an act relating to education; imposing a limit on participation in and making other modifications to the post-secondary enrollment options program; modifying the time-lines for placing teachers on unrequested leaves of absence; amending Minnesota Statutes 1984, section 125.12, subdivisions 4, 6b, 9, 10, and by adding a subdivision; Minnesota Statutes 1985 Supplement, section 123.3514, by adding subdivisions.

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

Simoneau, Quinn, Voss and Backlund introduced:

H. F. No. 1920, A bill for an act relating to appropriations; designating Anoka county as an operating agency in the administration and expenditure of an appropriation for the Mississippi Regional Park.

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

Pappas introduced:

H. F. No. 1921, A bill for an act relating to housing; authorizing the Minnesota housing finance agency to make grants to municipalities for the provision of housing for very low income persons; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Ogren, Solberg, Quinn, Simoneau and Osthoff introduced:

H. F. No. 1922, A bill for an act relating to taxation; property; providing a state paid small business property tax credit; amending Minnesota Statutes 1985 Supplement, sections 273.13, subdivision 15a; 273.1392; and 276.04; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Uphus; Tunheim; Olson, E., and Omann introduced:

H. F. No. 1923, A bill for an act relating to utilities; abolishing electric service extension exemption for certain utility customers; amending Minnesota Statutes 1984, sections 216B.40; and 216B.43; repealing Minnesota Statutes 1984, section 216B.42, subdivision 1.

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

Anderson, R., introduced:

H. F. No. 1924, A bill for an act relating to retirement; extending increased survivor benefits to surviving spouses of certain public employees; amending Minnesota Statutes 1985 Supplement, section 356.70, by adding a subdivision.

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

Gruenes, Piepho, Osthoff, Schafer and Sherman introduced:

H. F. No. 1925, A bill for an act relating to education; permitting pupils of nonpublic schools to use the post-secondary enrollment options act; appropriating money; amending Minnesota Statutes 1985 Supplement, section 123.3514.

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

Knickerbocker, Simoneau, Sviggum, Vellenga and Gutknecht introduced:

H. F. No. 1926, A bill for an act relating to state investments; establishing various accounts within the supplemental investment fund; providing for the administration of the accounts and for the investment and valuation of shares within each account; amending Minnesota Statutes 1984, sections 11A.17, subdivisions 1, 4, 9, and by adding a subdivision; 69.77, subdivision 2; 69.775; 352.96, subdivision 4; 352D.04, subdivision 1; Minnesota Statutes 1985 Supplement, section 11A.17, subdivision 13; and Laws 1969, chapter 950, section 3, as amended.

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

McKasy introduced:

H. F. No. 1927, A bill for an act relating to taxation; increasing the maximum income tax credit for political contributions; amending Minnesota Statutes 1984, section 10A.32, subdivision 3b; Minnesota Statutes 1985 Supplement, section 290.06, subdivision 11.

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

McPherson, Gruenes, Richter and Vellenga introduced:

H. F. No. 1928, A bill for an act relating to education; placing the state council on vocational education director in the unclassified service; amending Minnesota Statutes 1985 Supplement, section 136C.50, subdivision 7.

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

Battaglia introduced:

H. F. No. 1929, A bill for an act relating to school districts; changing the qualifying percentage of agricultural valuation for minimum aid from 60 to 50; amending Minnesota Statutes 1985 Supplement, section 124A.02, subdivision 12.

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

Carlson, D.; Sarna; Anderson, G.; Valan and Johnson introduced:

H. F. No. 1930, A bill for an act relating to public safety; barring traffic citation quotas; proposing coding for new law in Minnesota Statutes, chapter 299D.

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

Lieder introduced:

H. F. No. 1931, A bill for an act relating to the city of East Grand Forks; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

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

Gruenes introduced:

H. F. No. 1932, A bill for an act relating to human services; modifying the preadmission screening program; establishing requirements for medical assistance rate appeals procedures for intermediate care facilities; amending Minnesota Statutes 1985 Supplement, sections 256B.091, subdivisions 2, 4, 5, and 8; and 256B.501, subdivision 3.

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

McLaughlin introduced:

H. F. No. 1933, A bill for an act relating to insurance; prohibiting discrimination in auto insurance based upon marital dissolution; amending Minnesota Statutes 1984, section 65B.13; and proposing coding for new law in Minnesota Statutes, chapter 65B.

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

McLaughlin introduced:

H. F. No. 1934, A bill for an act relating to insurance; requiring adjustment of deductibles during the initial period of 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.

McLaughlin introduced:

H. F. No. 1935, A bill for an act relating to insurance; providing flexibility in the amount of coverages other than for the dwelling under a homeowner's policy; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

Segal introduced:

H. F. No. 1936, A bill for an act relating to school districts; requiring a health awareness policy and program; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Waltman introduced:

H. F. No. 1937, A bill for an act relating to state government; rejecting legislative salary increases; eliminating the compensation council; amending Laws 1985, First Special Session chapter 13, section 52, subdivision 2; repealing Minnesota Statutes 1984, section 15A.082.

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

Waltman, Ozment, Wenzel and Kiffmeyer introduced:

H. F. No. 1938, A bill for an act relating to education; providing equity revenue to raise foundation and tier revenue in all school districts to state average; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124A.

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

Vanasek introduced:

H. F. No. 1939, A bill for an act relating to transportation; authorizing transportation to nonpublic schools outside school district boundary within certain limits; amending Minnesota Statutes 1984, section 123.78, subdivision 1a.

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

Gruenes introduced:

H. F. No. 1940, A bill for an act relating to health; providing for county registrars of vital statistics; amending Minnesota Statutes 1984, section 144.214, subdivision 1.

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

Carlson, L.; Munger; Johnson; Dyke and Redalen introduced:

H. F. No. 1941, A bill for an act relating to the University of Minnesota; appropriating money for agricultural extension service and experiment station projects.

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

Heap introduced:

H. F. No. 1942, A bill for an act relating to transportation; public transit; increasing the training requirement for drivers in the special transportation service program; requiring that special transportation service drivers hold a class A or B driver's license; amending Minnesota Statutes 1984, section 174.30, subdivision 2, and by adding a subdivision.

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

Heap introduced:

H. F. No. 1943, A bill for an act relating to insurance; health and accident; excluding certain nursing home policies from regulation as a form of medicare supplement insurance; amending Minnesota Statutes 1984, section 62A.31, subdivision 1.

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

Clark and Greenfield introduced:

H. F. No. 1944, A bill for an act relating to the city of Minneapolis; providing that certain positions be appointed in the unclassified service; amending Laws 1969, chapter 937, section 1, subdivisions 9, as amended, 11 and 15, and by adding subdivisions.

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

Heap introduced:

H. F. No. 1945, A bill for an act relating to military affairs; authorizing the department of military affairs to purchase certain insurance; amending Minnesota Statutes 1984, section 15.38, by adding a subdivision.

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

Dimler; Olsen, S.; DenOuden; Kostohryz and Ozment introduced:

H. F. No. 1946, A bill for an act relating to veterans affairs; providing for use of departmental resources by certain organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 196.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Olsen, S., and Valento introduced:

H. F. No. 1947, A bill for an act relating to solid waste; prohibiting the pollution control agency from issuing solid waste processing permits to certain facilities; amending Minnesota Statutes 1984, section 116.07, by adding a subdivision.

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

Gruenes and Piepho introduced:

H. F. No. 1948, A bill for an act relating to education; post-secondary enrollment options act; excluding payments for course for which post-secondary credit is taken; amending Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 10.

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

Gruenes, Bishop, Ellingson and Dempsey introduced:

H. F. No. 1949, A bill for an act relating to courts; allowing a person 20 days to remove a cause from conciliation court; allowing service by mail when a cause is removed to county court; amending Minnesota Statutes 1984, section 487.30, by adding a subdivision.

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

Halberg, McKasy, Bishop, Dempsey and Vanasek introduced:

H. F. No. 1950, A bill for an act relating to local government; providing immunity to municipalities for certain claims that occur as a result of the use of parks and recreation areas; amending Minnesota Statutes 1984, section 466.03, by adding a subdivision.

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

Svigum, Onnen, Gruenes, Vellenga and Jennings, L., introduced:

H. F. No. 1951, A bill for an act relating to human services; revising the community social services act; clarifying allocation of funds; expanding responsibilities of county boards; requiring the county boards to publish biennial plans relating to community social services; amending Minnesota Statutes 1984, sections 256E.05, subdivision 3; 256E.06, subdivision 2; 256E.09, subdivision 1; and Minnesota Statutes 1985 Supplement, section 256E.08, subdivision 1.

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

Haukoos; Ozment; DenOuden; Carlson, J., and Jennings, L., introduced:

H. F. No. 1952, A bill for an act relating to education; vocational; specifying use of appropriation for firefighter training programs in AVTI's; amending Laws 1985, First Special Session chapter 11, section 4, subdivision 3.

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

Gruenes, Tjornhom, Boo, Wynia and Onnen introduced:

H. F. No. 1953, A bill for an act relating to insurance; accident and health; regulating long-term care policies; requiring coverage for home health care and care in skilled or intermediate nursing facilities; amending Minnesota Statutes 1984, section 62A.31; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Jaros, McLaughlin, Rest, Brown and Piper introduced:

H. F. No. 1954, A resolution memorializing the President and Congress of the United States to include the provision of dental care, hearing aids, and eye glasses under Medicare.

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

McKasy, Halberg and Brandl introduced:

H. F. No. 1955, A bill for an act relating to taxation; income; changing the deduction for corporate contributions to foundations; amending Minnesota Statutes 1984, sections 237.075, subdivision 8; and 290.21, subdivision 3.

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

Boo and Wynia introduced:

H. F. No. 1956, A bill for an act relating to financial institutions; providing for open end loan account arrangements; modifying permissible finance charges and annual charges; eliminating alternative credit card plan requirements; amending Minnesota Statutes 1984, section 48.185, subdivisions 1, 3, and 4; repealing Minnesota Statutes 1984, section 48.185, subdivision 4a.

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

Tompkins, Blatz, Quinn, Seaberg and Knuth introduced:

H. F. No. 1957, A bill for an act relating to marriage; setting out the requirements and effect of premarital agreements; enacting the Uniform Premarital Agreement Act; amending Minnesota Statutes 1985 Supplement, section 524.2-204; proposing coding for new law in Minnesota Statutes, chapter 519; repealing Minnesota Statutes 1984, section 519.11.

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

Kelly, Cohen and Vellenga introduced:

H. F. No. 1958, A bill for an act relating to crime victims; providing increased protections and rights to victims of crime; increasing the criminal witness fee; providing new procedures for enforcing restitution orders; establishing local victim-witness assistance programs; making a variety of changes to the crime victims reparations act; increasing the membership of the crime victim and witness advisory council; amending Minnesota Statutes 1984, sections 357.22; 357.24; 609.115, subdivision 1c;

609.135, by adding a subdivision; 611A.03, subdivision 1; 611A.04, subdivision 2; 611A.06; 611A.53, subdivision 1, and by adding a subdivision; and 611A.61; and Minnesota Statutes 1985 Supplement, sections 609.101; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.56, subdivision 1; 611A.71, subdivisions 1 and 2; 631.046; and 631.07; proposing coding for new law in Minnesota Statutes, chapters 43A and 611A.

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

Schafer, Sviggum, McEachern and Solberg introduced:

H. F. No. 1959, A bill for an act relating to education; making certain changes in the post-secondary enrollment options act; requiring certification that pupils are academically prepared for enrollment; providing limitations on granting credit for certain courses; authorizing secondary schools to grant transferable post-secondary credits; authorizing tuition reimbursement for courses taken for secondary credit only; authorizing certain charges for courses taken for post-secondary credit; limiting school district liability for student participation in this program; establishing an aid for test fees; appropriating money; amending Minnesota Statutes 1985 Supplement, section 123.3514, subdivisions 4, 5, 6, 7, 8, and by adding subdivisions.

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

Dempsey and Piepho introduced:

H. F. No. 1960, A bill for an act relating to data privacy; providing for the classification of data in certain adoption reports; amending Minnesota Statutes 1984, section 259.27, by adding a subdivision.

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

Thiede, Schafer, Thorson and Kalis introduced:

H. F. No. 1961, A bill for an act relating to education; providing for the appointment of the commissioner of education by the state board of education; amending Minnesota Statutes 1984, section 121.16.

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

Halberg, McKasy, Backlund, Quinn and Otis introduced:

H. F. No. 1962, A bill for an act relating to costs and attorney fees; providing for recovery of costs and attorney fees by prevailing parties in civil actions and contested case proceedings involving the state; amending Minnesota Statutes 1984, section 14.62, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Skoglund, Brandl, Greenfield, Jaros and McLaughlin introduced:

H. F. No. 1963, A bill for an act relating to metropolitan government; providing for the composition of the metropolitan airports commission; amending Minnesota Statutes 1984, section 473.604; and Minnesota Statutes 1985 Supplement, section 473.605, subdivision 2.

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

Nelson, K.; Rest; Price; Rodosovich and Beard introduced:

H. F. No. 1964, A bill for an act relating to consumer protection; regulating the labeling, advertising, and distribution of smokeless tobacco products; amending Minnesota Statutes 1984, section 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Nelson, K.; Rest; Price; Beard and Brown introduced:

H. F. No. 1965, A bill for an act relating to utilities; providing residential telephone customers protection from unwanted commercial telephone solicitation; requiring rulemaking by the public utilities commission; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Bishop and Voss introduced:

H. F. No. 1966, A bill for an act relating to the attorney general; authorizing an increase in the number of assistant attorneys general; amending Minnesota Statutes 1984, section 8.02.

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

Skoglund, Wynia, Forsythe, Rose and Jaros introduced:

H. F. No. 1967, A bill for an act relating to traffic regulations; requiring motor vehicle operators to use child passenger restraint system when transporting child under the age of four; assessing court costs to violator under certain conditions; imposing penalty; amending Minnesota Statutes 1984, section 169.685, subdivision 5.

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

Rose; Backlund; Nelson, D.; Munger and McKasy introduced:

H. F. No. 1968, A bill for an act relating to environment; providing for the selection of locations for and developers of hazardous waste stabilization and containment facilities; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1, and by adding subdivisions; 115A.05, subdivision 2, and by adding a subdivision; 115A.13; 115A.14, subdivision 6; 115A.22, subdivision 4; 400.11; Minnesota Statutes 1985 Supplement, sections 115A.81, subdivision 2; 275.50, subdivision 5; 477A.012; proposing coding for new law in Minnesota Statutes, chapters 115A and 400; repealing Minnesota Statutes 1984, sections 115A.17; and 400.10; Minnesota Statutes 1985 Supplement, section 473.811, subdivision 11.

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

Boerboom, Sparby, Dempsey and Knickerbocker introduced:

H. F. No. 1969, A bill for an act relating to mediation; providing for mediation between debtors and creditors; authorizing mediator training grants to nonprofit regional alternative dispute resolution centers; amending Minnesota Statutes 1984, sections 480.24, by adding a subdivision; and 480.242, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 572.

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

Ozment introduced:

H. F. No. 1970, A bill for an act relating to state lands; prescribing appraisal for conveyance of surplus state land in Dakota county to city of Hastings; amending Laws 1985, chapter 61, section 1.

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

Frerichs, Sherman and Ellingson introduced:

H. F. No. 1971, A resolution memorializing the President and Congress of the United States to enact the Mississippi River National Heritage Corridor Act of 1986.

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

Dyke, Kelly, Knickerbocker, Vellenga and Sviggum introduced:

H. F. No. 1972, A bill for an act relating to state government; proposing amendments to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; article XI, sections 7 and 8; abolishing the office of state treasurer; transferring or repealing the powers, responsibilities, and duties of the state treasurer; amending Minnesota Statutes 1984, sections 9.011, subdivision 1; 11A.03; and 16A.27, subdivisions 1 and 2.

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

Heap and Hartinger introduced:

H. F. No. 1973, A bill for an act relating to vocational education; providing for cooperation among AVTIs; proposing coding for new law in Minnesota Statutes, chapter 136C.

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

Dimler; Sparby; Olsen, S., and Knickerbocker introduced:

H. F. No. 1974, A bill for an act relating to commerce; establishing a computerized county filing system; assessing a surcharge on certain documents filed; amending Minnesota Statutes 1984, sections 336.9-403; 336.9-404; 336.9-405; 336.9-406; and 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 5.

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

Poppenhagen; Carlson, J., and Gutknecht introduced:

H. F. No. 1975, A bill for an act relating to workers' compensation; prohibiting use of certain benefits in calculating employer's insurance rating plan; expanding premium base; restricting liability for out-of-state injuries; eliminating minimum compensation in case of no permanent disability; assessing management fee from state compensation insurance fund to special compensation fund; authorizing use of the management fee; establishing program for administrative conferences throughout the state; postponing initial adjustment of benefits for temporary total and temporary partial disabilities; amending Minnesota Statutes 1984, sections 79.53, by adding a subdivision; 176.041, subdivision 3, and by adding a subdivision; 176.129, by adding a subdivision; 176.242, by adding a subdivision; 176.645, subdivision 2; 176A.08; Minnesota Statutes 1985 Supplement, section 176.101, subdivision 3t; repealing Minnesota Statutes 1984, section 79.211, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Gruenes; Stanius; Carlson, L.; Anderson, R., and Vellenga introduced:

H. F. No. 1976, A bill for an act relating to health; establishing a catastrophic health expense protection program for children; appropriating money; amending Minnesota Statutes 1984, section 62E.04, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 62E; repealing Minnesota Statutes 1984, sections 62E.51 to 62E.55.

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

Waltman, Sviggum, Johnson and Thiede introduced:

H. F. No. 1977, A bill for an act relating to workers' compensation; making the three-day waiting period nonreimbursable; eliminating supplemental benefits for new claims; amending Minnesota Statutes 1984, sections 176.121; and 176.132, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kiffmeyer introduced:

H. F. No. 1978, A bill for an act relating to crimes; limiting when felony charges brought for depriving another of custodial or parental rights may be dismissed; amending Minnesota Statutes 1984, section 609.26, subdivision 5.

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

Johnson, Miller, Kalis, Levi and Knickerbocker introduced:

H. F. No. 1979, A bill for an act relating to state government; regulating fees for state agency services; amending Minnesota Statutes 1985 Supplement, sections 16A.128 and 16A.1281.

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

McDonald, Jaros and Thorson introduced:

H. F. No. 1980, A bill for an act relating to state government; authorizing the Indian affairs council to accept grants and gifts; amending Minnesota Statutes 1984, section 3.922, subdivision 5.

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

Schreiber, Minne, Tjornhom, Jacobs and Bennett introduced:

H. F. No. 1981, A bill for an act relating to liquor; regulating the extension of credit to retail licensees; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Himle; Seaberg; Jacobs; Jennings, D., and Bennett introduced:

H. F. No. 1982, A bill for an act relating to liquor; prohibiting joint purchases by retailers; removing limitations on volume discounts by wholesalers, and suggested retail prices; authorizing combination purchases; amending Minnesota Statutes 1985 Supplement, section 340A.312, subdivision 1; repealing Minnesota Statutes 1985 Supplement, sections 340A.312, subdivision 2, and 340A.314.

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

Johnson introduced:

H. F. No. 1983, A bill for an act relating to taxation; gasoline; clarifying the transactions for which a distributor credit or rebate is allowed; amending Minnesota Statutes 1984, sections 296.14, subdivision 2; and 296.18, subdivision 3a.

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

Marsh, Bennett and Krueger introduced:

H. F. No. 1984, A bill for an act relating to commerce; regulating securities; regulating the assignment of certain real property loans and the administration of certain escrow accounts; providing certain exemptions; regulating real estate brokers and salespersons; modifying re-examination requirements; providing trust account requirements for licensees acting as principals; granting certain enforcement powers to the commissioner; providing certain remedies; amending Minnesota Statutes 1984, sections 47.20, subdivision 9; 80A.14, subdivision 18; 80A.15, subdivision 1; 82.17, subdivision 4; 82.22, subdivisions 3, 6, and 13; 82.24, subdivision 2; 82.26; 82.27, subdivision 1; 82.33, subdivision 2; and Minnesota Statutes 1985 Supplement, section 80A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 47.

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

Dyke, Kiffmeyer, McDonald and Boerboom introduced:

H. F. No. 1985, A bill for an act relating to agriculture; reallocating certain wage subsidy money; amending Minnesota Statutes 1985 Supplement, sections 268.6751, subdivision 1; and 268.676, subdivision 1.

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

Redalen, Sparby, McDonald, Kiffmeyer and Schafer introduced:

H. F. No. 1986, A bill for an act relating to agriculture; changing certain income tax provisions; amending Minnesota Statutes 1984, sections 41.57, by adding a subdivision; 290.08, by adding subdivisions; 290.09, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 290.01, subdivisions 20a and 20b; and 290.491.

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

McDonald, Frederickson, Ozment, McPherson and Erickson introduced:

H. F. No. 1987, A bill for an act relating to agriculture; providing an alternative property tax payment date for certain agricultural property; amending Minnesota Statutes 1984, section 279.01, as amended.

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

McDonald, Redalen, Frederick and Kiffmeyer introduced:

H. F. No. 1988, A bill for an act relating to agriculture; providing for "buy-down" of interest rates on certain farm loans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

McDonald, Frederick and Valan introduced:

H. F. No. 1989, A bill for an act relating to agriculture; establishing a family farm advocate program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Valento and Olsen, S., introduced:

H. F. No. 1990, A bill for an act relating to local government; authorizing home rule charter or statutory cities to establish economic development districts; granting powers to authorities; amending Minnesota Statutes 1984, sections 116D.04, subdivision 1a; 117.521, subdivision 3; 272.01, subdivision 2; 273.72; 273.73, subdivisions 2 and 8; 273.86, subdivision 1; 355.11, subdivision 5; 462C.02, subdivisions 6 and 9; 465.74, subdivision 7; 471.88, subdivisions 1, 9, and 11; 474.02, subdivision 3; and 474.16, subdivision 2; Minnesota Statutes 1985 Supplement, sections 273.75, subdivision 4; 353.01, subdivision 2a; 462C.12, subdivision 2; and 472B.04; proposing coding for new law as Minnesota Statutes, chapter 458C.

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

Stanious and Valento introduced:

H. F. No. 1991, A bill for an act relating to metropolitan government; providing for appointments, administration, reports, and duties of metropolitan agencies; amending Minnesota Statutes 1984, sections 473.121, subdivision 6, and by adding subdivisions; 473.123, subdivisions 2a, 3, and 3a; 473.141, subdivisions 2, 3, and 4a; 473.146, subdivisions 1, 2, and 3; 473.161; 473.163, subdivisions 1 and 2; and 473.303, subdivisions 2 and 4a; Minnesota Statutes 1985 Supplement, section 473.38, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1984, sections 473.121, subdivision 7; 473.163, subdivisions 3 and 4; 473.373, subdivision 3; 473.377; and 473.38, subdivision 1.

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

Thiede introduced:

H. F. No. 1992, A bill for an act relating to local government; granting the city of Brainerd the authority to establish a port authority; authorizing the port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the city to impose restrictions and limitations upon the powers and procedures of the port authority; permitting the city to choose the name of the port authority; providing for removal of port authority commissioners.

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

McDonald, Frederick, Ozment and Erickson introduced:

H. F. No. 1993, A bill for an act relating to agriculture; providing for mediation of certain agricultural loan disputes; funding upgrading of certain agricultural computer hardware and software; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

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

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. 5, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

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. 5

A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12;

340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.79; and 340.80.

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. 5, 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. 5 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION.] Every application shall state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and shall state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety as may be required by the commissioner. The application form shall contain a notification to the applicant of the availability of the donor document provided pursuant to section 171.07, subdivision 5, and shall contain spaces where the applicant must indicate a desire to receive or not to receive the donor document. The application shall be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) *the effect of alcohol on driving ability;*
- (2) *the effect of mixing alcohol with drugs;*
- (3) *the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance;*

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 2. Minnesota Statutes 1984, section 171.13, is amended by adding a subdivision to read:

Subd. 1b. [DRIVER'S MANUAL.] The commissioner shall include in each edition of the driver's manual published by the department a chapter relating to the effect of alcohol consumption on highway safety and on the ability of drivers to safely operate motor vehicles and a summary of the laws of Minnesota on operating a motor vehicle while under the influence of alcohol or a controlled substance.

Sec. 3. Minnesota Statutes 1984, section 171.29, subdivision 2, is amended to read:

Subd. 2. (ANY) A person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated. A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a (\$100) \$150 fee before his drivers license is reinstated (; 75 PERCENT). *This fee shall be divided as follows:*

(a) \$75 of this fee shall be credited to the trunk highway fund (AND 25 PERCENT).

(b) \$25 shall be credited to the general fund.

(c) \$25 shall be credited to a special account to be known as the alcohol impaired driver education account. Money in the account is appropriated to the commissioner of education for grants to develop alcohol impaired driver education programs in elementary, secondary, and post-secondary schools. The state board of education shall establish guidelines for the distribution of the grants. The commissioner of education shall report to the legislature by January 15, 1987, on the expenditure of grant funds under this section.

(d) \$25 shall be credited to a separate account to be known as the county probation reimbursement account. Funds in this account are appropriated to the commissioner of corrections for the costs that counties assume under Laws 1959, chapter 698, in providing probation and parole services to wards of the commissioner of corrections. These funds are provided in addition to any funds which the counties currently receive under section 260.311, subdivision 5.

Sec. 4. Minnesota Statutes 1984, section 340.02, subdivision 8, is amended to read:

Subd. 8. [PERSONS ELIGIBLE.] Licenses hereunder shall be issued only to persons who are citizens of the United States or resident aliens, who are of good moral character and repute, who have attained the age of (19) 21 years and who are proprietors of the establishments for which the licenses are issued.

Sec. 5. Minnesota Statutes 1984, section 340.035, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any:

(1) licensee or his employee to permit any person under the age of (19) 21 years to consume nonintoxicating malt liquor on the licensed premises;

(2) person other than the parent or legal guardian to procure nonintoxicating malt liquor for any person under the age of (19) 21 years;

(3) person to induce a person under the age of (19) 21 years to purchase or procure nonintoxicating malt liquor.

Sec. 6. Minnesota Statutes 1984, section 340.119, subdivision 2, is amended to read:

Subd. 2. A bottle club may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. A bottle club or any unincorporated society which shall have more than 50 members and which shall have, for more than a year, owned, hired, or leased space in a building of such extent and character as may be suitable and adequate for reasonable and comfortable accommodations for its members, may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. Every bottle, container, or other receptacle containing intoxicating liquor stored by members shall have attached to it a label signed by the member of the club. All liquor on the premises of the club shall be labeled as herein required, and any not being actually used or consumed by the owner thereof shall be kept in a locker designated to the use of such member. It shall be unlawful for any club member under (19) 21 years of age to be assigned a locker for the storage of intoxicating liquor, or to consume or display or be permitted to consume or display intoxicating liquor on any premises owned or controlled by such private club.

Sec. 7. Minnesota Statutes 1984, section 340.13, subdivision 12, is amended to read:

Subd. 12. [LICENSES; PERSONS ELIGIBLE.] No license shall be issued to a person other than a citizen of the United States or resident alien, (19) 21 years of age or over, who shall

be of good moral character and repute; nor to any person who within five years prior to the application for the license has been convicted of any willful violation of any law of the United States or the state of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor; nor to any person whose license under the Intoxicating Liquor Act is revoked for a willful violation of any of those laws or ordinances.

Sec. 8. Minnesota Statutes 1984, section 340.14, subdivision 1a, is amended to read:

Subd. 1a. [PERSONS DENIED ACCESS.] No intoxicating liquor shall be sold, furnished, or delivered for any purpose to any (MINOR) *person under the age of 21 years* or to any person obviously intoxicated or to any of the persons to whom sale is prohibited by statute.

Sec. 9. Minnesota Statutes 1984, section 340.15, is amended by adding a subdivision to read:

Subd. 1a. No manufacturer, wholesaler, or retailer of alcoholic beverages, whether holding a license in Minnesota or not, may conduct, sponsor, or contribute financially to events or activities which:

(a) are held on the campuses or other property of a post-secondary institution of learning, and

(b) involve as a part thereof the consumption or sale of alcoholic beverages.

This subdivision does not affect on-campus, licensed retailers of alcoholic beverages.

Sec. 10. Minnesota Statutes 1984, section 340.403, subdivision 3, is amended to read:

Subd. 3. [LICENSE GRANTED.] Upon the filing of an application, the approval of the bond, and the payment of the license fee, the commissioner shall grant the license unless it appears that the applicant: (1) is not a citizen of the United States or resident alien; or (2) is not (19) 21 years of age or over; or (3) has been convicted of a felony under the laws of this state; or (4) has had his license revoked within a period of one year prior to the filing of his application; or (5) has not been a resident of Minnesota or has not been qualified as a corporation to do business in Minnesota for more than 90 days prior to application. In the event the applicant is a corporation its managing officers must possess the qualifications stated in clauses (1), (2), (3), and (4).

No wholesale malt beverage license shall be granted to any person unless he has within the state of Minnesota warehouse space either owned or leased by him and has adequate delivery facilities to perform the function of wholesaling malt beverages. However, the requirements of this subdivision as to residence and warehouse space shall not apply to any wholesaler in an adjoining state that permits Minnesota resident licensees to deliver malt beverages to retailers without warehousing in that state or to any wholesaler in an adjoining state delivering malt beverages manufactured in Minnesota.

Sec. 11. Minnesota Statutes 1984, section 340.73, subdivision 1, is amended to read:

Subdivision 1. It is unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any intoxicating liquors or nonintoxicating malt liquors in any quantity, for any purpose, to any person under the age of (19) 21 years, or to any obviously intoxicated person.

Sec. 12. Minnesota Statutes 1984, section 340.731, is amended to read:

340.731 [PERSONS UNDER (19) 21 YEARS, FORBIDDEN ACTS OR STATEMENTS.]

It shall be unlawful for (1) a person under the age of (19) 21 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume; or

(2) a person under the age of (19) 21 years to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor or nonintoxicating malt liquor; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of (19) 21 years; or

(4) a person under the age of (19) 21 years to have in his or her possession any intoxicating liquor or non-intoxicating malt liquor, with intent to consume same at a place other than the household of his or her parent or guardian. Possession of such intoxicating liquor or nonintoxicating malt liquor at a place other than the household of his or her parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his or her parent or guardian; or

(5) a person under the age of (19) 21 years to consume any intoxicating liquor or nonintoxicating malt liquor unless in the household of his or her parent or guardian and with the consent of his or her parent or guardian.

Sec. 13. Minnesota Statutes 1984, section 340.80, is amended to read:

340.80 [INDUCING CERTAIN PERSONS TO ENTER LIQUOR ESTABLISHMENTS; PENALTY.]

Any person who shall assist, procure or induce any person under the age of (19) 21 years or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, is guilty of a gross misdemeanor; and, upon conviction, punished therefor according to the laws of the state.

Sec. 14. [REPEALER.]

Minnesota Statutes 1984, section 340.79, is repealed.

Sec. 15. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 9 are effective July 1, 1985. Sections 4 to 8, and 10 to 14 are effective September 30, 1986; except that these sections are not effective if, by September 30, 1986:

(a) any state bordering Minnesota has not established a minimum drinking age of 21 for intoxicating liquor; or

(b) United States Code, title 28, section 158 is repealed."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession, and furnishing; restricting certain promotion; establishing programs for the prevention of alcohol-impaired driving among young drivers and for education on avoidable health risks; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.06, subdivision 3; 171.13, by adding a subdivision; 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.15, by adding a subdivision; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; and 340.80; repealing Minnesota Statutes 1984, section 340.79."

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

Senate Conferees: A. W. DIESSNER, JIM RAMSTAD, CLARENCE M. PURFEERST, SAM G. SOLON and DEAN E. JOHNSON.

House Conferees: GARY L. SCHAFER, GIL GUTKNECHT, BERT J. MCKASY, DON VALENTO and RANDY C. KELLY.

Schafer moved that the House refuse to adopt the Conference Committee report on S. F. No. 5, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

Bishop moved to lay the Schafer motion relating to the Conference Committee report on S. F. No. 5 on the table. The motion did not prevail.

The question recurred on the Schafer motion and the roll was called. There were 61 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Backlund	Fjoslien	Kelly	Piepho	Thorson
Becklin	Forsythe	Kiffmeyer	Poppenhagen	Tjornhom
Blatz	Frederick	Knickerbocker	Quist	Tomlinson
Boerboom	Frederickson	Krueger	Redalen	Tompkins
Boo	Frerichs	Kvam	Rees	Uphus
Burger	Gruenes	Levi	Rest	Valan
Carlson, J.	Gutknecht	Marsh	Richter	Waltman
Carlson, L.	Halberg	McDonald	Schafer	Zaffke
Clausnitzer	Hartinger	McKasy	Schreiber	Spk. Jennings, D.
Dempsey	Hartle	McPherson	Seaberg	
DenOuden	Haukoos	Nelson, D.	Shaver	
Dyke	Heap	Olsen, S.	Svigggum	
Erickson	Himle	Onnen	Thiede	

Those who voted in the negative were:

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

The motion prevailed and the Conference Committee report on S. F. No. 5 was returned to the Conference Committee.

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:

Resolved that the Rules of the House of Representatives for the 74th Legislature be amended as follows:

(1) Rule 1.16 is amended to read:

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee (other than a bill in Appropriations) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days thereafter in which to vote upon the bill requested. If the Committee fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by a majority vote of the whole House. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After (FRIDAY, MAY 10, 1985) *Thursday, March 13, 1986*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

(2) Rule 3.4 is amended to read:

3.4 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration can be made at any time in the Order of Business and shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has

expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

(IN AN ODD-NUMBERED YEAR,) Notice of intention to move reconsideration shall not be in order after (MONDAY, APRIL 22) *Thursday, March 13, 1986.*

(3) Rule 6.11 is amended to read:

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House.

(IN AN ODD-NUMBERED YEAR) Except after (MONDAY, MAY 13) *Friday, March 14, 1986,* a written copy of a report of a conference committee shall be placed on the desk of each member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

The motion prevailed and the resolution was adopted.

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

Senate Concurrent Resolution No. 17, A Senate concurrent resolution providing session deadlines for the legislature pursuant to Joint Rule 2.03.

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

SENATE CONCURRENT RESOLUTION NO. 17

A Senate concurrent resolution providing session deadlines for the legislature pursuant to Joint Rule 2.03.

Whereas, Joint Rule 2.03, paragraph (b) requires the legislature to establish session deadline dates for even-numbered year sessions; *Now, Therefore*,

Be It Resolved by the Senate of the State of Minnesota, the House of Representatives concurring, that committee reports on bills favorably acted upon by a committee in the house of origin after Friday, February 28, 1986, and committee reports on bills originating in the other house favorably acted upon by a committee after Saturday, March 8, 1986, shall be referred in the Senate to the Committee on Rules and Administration and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee, after the earlier date and by the later date set by this paragraph, acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This requirement does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

After Thursday, March 13, 1986, neither house shall act on bills other than those contained in:

- (1) Reports of conference committees;
- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (4) Messages from the governor.

Levi moved that Senate Concurrent Resolution No. 17 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 17 was adopted.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Jennings in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. No. 1699 was recommended to pass.

H. F. No. 1725 was recommended for progress.

H. F. No. 1773 which it recommended to pass with the following amendments:

Offered by Seaberg:

Delete everything after the enacting clause and insert:

"Section 1. [325F.745] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 1 to 3, the terms defined in this section have the meanings given them.

Subd. 2. [CHEWING TOBACCO.] "Chewing tobacco" means loose tobacco or a flat compressed cake of tobacco that is inserted into the mouth to be chewed or sucked.

Subd. 3. [PACKAGE.] "Package" means a pack, box, or container of any kind in which a smokeless tobacco product is offered for sale, sold, or otherwise distributed.

Subd. 4. [PERSON.] "Person" means any individual, partnership, corporation, or other business or legal entity.

Subd. 5. [SMOKELESS TOBACCO.] "Smokeless tobacco" means chewing tobacco or tobacco snuff.

Subd. 6. [TOBACCO SNUFF.] "Tobacco snuff" means a small amount of shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth of an individual user.

Subd. 7. [DISTRIBUTE.] "Distribute" means to give products to the general public at no cost or at nominal cost for product promotional purposes.

Sec. 2. [325F.746] [NOTICE OF FREE DISTRIBUTION.]

No person shall distribute any smokeless tobacco product without first giving written notice of that distribution to the attorney general. Notice must be received at least ten days prior to that distribution and must include the time, place, and manner of the distribution and the estimated number of smokeless tobacco product units to be distributed.

This subdivision does not prohibit a local unit of government from further restricting or prohibiting the distribution of smokeless tobacco products.

Sec. 3. [325F.747] [REMEDIES.]

The attorney general may institute a civil action in the name of the state of Minnesota in the district court for an injunction prohibiting any violation of section 2. The court, upon notice to the defendant of not less than five days, and upon proof that defendant has engaged in the practice prohibited by section 2, may enjoin the future commission of the practice. The court may impose a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may recover costs and disbursements, including costs of investigation and reasonable attorneys fees.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective June 1, 1986."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating the distribution of smokeless tobacco products; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F."

Offered by Nelson, D.:

In the Seaberg amendment:

Page 2, after line 20, insert:

"Sec. 4. Minnesota Statutes 1984, section 609.685, subdivision 1, is amended to read:

609.685 [SALE OF TOBACCO TO CHILDREN.]

Subdivision 1. ([DEFINITION.]) *[DEFINITIONS.] For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.*

(a) *"Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.*

(b) *"Tobacco related devices" means cigarette papers or pipes for smoking."*

Page 2, line 22, delete "3" and insert "5"

Renumber the sections accordingly

Amend the title as follows:

Page 2, line 27, after the semicolon insert "clarifying a definition; amending Minnesota Statutes 1984, section 609.685, subdivision 1;"

Offered by Skoglund:

In the Seaberg amendment:

Page 1, line 24, delete "NOTICE OF FREE DISTRIBUTION" and insert "PROMOTIONAL DISTRIBUTION PROHIBITED"

Page 2, delete lines 2 to 5

Page 2, line 6, delete everything before the period

Page 2, after line 6, insert:

"No person shall distribute cigarettes, cigars, pipe tobacco or other tobacco products suitable for smoking to individuals under the age of 18. The person distributing the cigarettes, cigars, pipe tobacco, or other tobacco product must verify the individual's age prior to any distribution. Proof of age may be established only by a valid driver's license or Minnesota identification card or in the case of a foreign national by a valid passport."

Page 2, line 9, delete "smokeless"

Page 2, after line 20, insert:

"Sec. 4. [SEVERABLE PROVISIONS.]

If any provision of sections 1 to 3 is found to be unconstitutional and void, the remaining provisions of sections 1 to 3 shall remain valid."

Renumber the remaining section

Page 2, line 26, delete "smokeless"

On the motion of Levi the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Skoglund moved to amend H. F. No. 1773, as amended by the Seaberg and Nelson, D., amendments, as follows:

Page 1, line 24, delete "NOTICE OF FREE DISTRIBUTION" and insert "PROMOTIONAL DISTRIBUTION PROHIBITED"

Page 2, delete lines 2 to 5

Page 2, line 6, delete everything before the period

Page 2, after line 6, insert:

"No person shall distribute cigarettes, cigars, pipe tobacco or other tobacco products suitable for smoking to individuals under the age of 18. The person distributing the cigarettes, cigars, pipe tobacco, or other tobacco product must verify the individual's age prior to any distribution. Proof of age may be established only by a valid driver's license or Minnesota identification card or in the case of a foreign national by a valid passport."

Page 2, line 9, delete "smokeless"

Page 2, after line 20, insert:

"Sec. 4. [SEVERABLE PROVISIONS.]

If any provision of sections 1 to 3 is found to be unconstitutional and void, the remaining provisions of sections 1 to 3 shall remain valid."

Renumber the remaining section

Page 2, line 26, delete "smokeless"

The question was taken on the Skoglund amendment and the roll was called. There were 75 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Knuth	Onnen	Schreiber
Anderson, R.	DenOuden	Krueger	Otis	Segal
Backlund	Dimler	Lieder	Peterson	Skoglund
Battaglia	Elioff	Long	Piepho	Solberg
Beard	Ellingson	Marsh	Piper	Sparby
Becklin	Forsythe	McDonald	Price	Stanis
Begich	Greenfield	McLaughlin	Quinn	Staten
Bennett	Gruenes	Minne	Quist	Tjornhom
Blatz	Gutknecht	Munger	Redalen	Tompkins
Brown	Hartinger	Murphy	Rees	Tunheim
Carlson, D.	Himle	Nelson, D.	Rest	Vanasek
Carlson, J.	Jaros	Nelson, K.	Richter	Vellenga
Carlson, L.	Kahn	Neuenschwander	Rivenness	Voss
Clark	Kelly	Norton	Rodosovich	Welle
Cohen	Kiffmeyer	Olson, E.	Schoenfeld	Wynia

Those who voted in the negative were:

Boerboom	Erickson	Hartle	Kalis	McKasy
Boo	Fjoslien	Heap	Kostohryz	McPherson
Brinkman	Frederick	Jacobs	Kvam	Metzen
Burger	Frederickson	Jennings, L.	Levi	Miller
Dyke	Frerichs	Johnson	McEachern	O'Connor

Olsen, S.	Sarna	Thiede	Valan	Wenzel
Omnn	Schafer	Thorson	Valento	Zaffke
Poppenhagen	Seaberg	Uphus	Waltman	Spk. Jennings, D.
Rose	Sviggum			

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of H. F. No. 1773, as amended, and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed.

MOTIONS AND RESOLUTIONS

Olsen, S., moved that the name of Segal be added as an author on House Resolution No. 36. The motion prevailed.

Ogren moved that the name of Otis be added as an author on H. F. No. 1694. The motion prevailed.

Waltman moved that the name of Kiffmeyer be added as an author on H. F. No. 1707. The motion prevailed.

Ozment moved that the name of Kiffmeyer be added as an author on H. F. No. 1728. The motion prevailed.

Rose moved that the names of Ozment and Valan be added as authors on H. F. No. 1779. The motion prevailed.

Backlund moved that the name of Jacobs be added as an author on H. F. No. 1785. The motion prevailed.

Anderson, R., moved that the name of Poppenhagen be added as an author on H. F. No. 1800. The motion prevailed.

Tjornhom moved that the name of Neuenschwander be added as an author on H. F. No. 1813. The motion prevailed.

Kostohryz moved that the names of Quinn, Jacobs and Shaver be added as authors on H. F. No. 1845. The motion prevailed.

Knuth moved that the name of Segal be added as an author on H. F. No. 1887. The motion prevailed.

Ellingson moved that the names of Segal and Carlson, D., be added as authors on H. F. No. 1902. The motion prevailed.

Kostohryz moved that the name of Bennett be added as an author on H. F. No. 1910. The motion prevailed.

Boerboom moved that H. F. No. 1969 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Governmental Operations. The motion prevailed.

McPherson moved that H. F. No. 1928 be recalled from the Committee on Education and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Dyke moved that S. F. No. 363 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Omann moved that H. F. No. 1720 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Agriculture. The motion prevailed.

McLaughlin; Norton; Clark; Jennings, D., and Staten introduced:

House Resolution No. 39, A house resolution welcoming Rosa Parks and hailing Black History Month.

SUSPENSION OF RULES

McLaughlin moved that the rules be so far suspended that House Resolution No. 39 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 39

A house resolution welcoming Rosa Parks and hailing Black History Month.

Whereas, February is Black History Month; and

Whereas, this observance gives all Americans a special opportunity to recall, to learn anew and to celebrate the contributions and experiences of American Blacks and their forebears; and

Whereas, Black History has special lessons for Americans about human growth, endurance and dignity; and

Whereas, an exemplar of the Black struggle for justice, Rosa Parks, will visit Minnesota February 11; and

Whereas, Rosa Parks's courage ignited one of the great episodes in that struggle, the 1955 Montgomery, Alabama bus boycott; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that Rosa Parks is warmly welcomed to Minnesota and that Black History Month is hailed as an opportunity for thought and affirmation of human dignity by Minnesotans.

Be It Further Resolved that the Chief Clerk of the House of Representatives transmit a formal copy of this resolution to Rosa Parks.

McLaughlin moved that House Resolution No. 39 be now adopted. The motion prevailed and House Resolution No. 39 was adopted.

House Resolution No. 38 was reported to the House.

Levi moved that House Resolution No. 38 be now adopted.

HOUSE RESOLUTION NO. 38

A house resolution setting the maximum limit on taxes and appropriations for the biennium.

Whereas, the January 1986 forecast by the Governor and Department of Finance of the revenues and expenditures of the state of Minnesota for the biennium ending June 30, 1987, indicated a general fund revenue shortfall of \$734,200,000; *Now, Therefore*,

Be It Resolved by the House of Representatives of the state of Minnesota that the sum of \$100,000,000 should be maintained as

a budget reserve for the remainder of the biennium ending June 30, 1987.

Be It Further Resolved that budget adjustments in the amount of \$384,200,000 be enacted to modify the general fund budget adopted by the Legislature in 1985.

Be It Further Resolved that the sum of \$10,208,800,000 is the maximum limit on appropriations for the purpose of expenditures and transfers from the general fund for the fiscal years of 1986 to 1987. This limit is adopted under authority of House Rule 5.10.

Be It Further Resolved that the sum of (1) the unreserved general fund balance at the end of fiscal year 1985, (2) taxes for purposes of general fund expenditures and transfers for the fiscal years of 1986 and 1987, and (3) nontax general fund revenues for the fiscal years of 1986 and 1987 shall not exceed the amount of \$10,308,800,000. This limit is adopted under the authority of House Rule 5.10.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

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

McEachern moved to amend House Resolution No. 38, as follows:

Page 2, after line 4, insert:

"Be It Further Resolved that, if by May 30, 1986, or thereafter, forecasts of projected general fund balances result in additional available funding, the limits on appropriations for education and local government aids shall be adjusted so as to provide for restoration of appropriation reductions."

A roll call was requested and properly seconded.

The question was taken on the McEachern amendment and the roll was called. There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R.	Dimler	Heap	Ozment	Thiede
Backlund	Dyke	Himle	Piepho	Thorson
Becklin	Erickson	Johnson	Poppenhagen	Tjornhom
Bennett	Fjoslien	Kiffmeyer	Quist	Tompkins
Bishop	Forsythe	Knickerbocker	Redalen	Uphus
Blatz	Frederick	Kvam	Rees	Valan
Boerboom	Frederickson	Levi	Richter	Valento
Boo	Frerichs	Marsh	Rose	Waltman
Burger	Cruenes	McDonald	Schafer	Zaffke
Carlson, D.	Cutknecht	McKasy	Schreiber	Spk. Jennings, D.
Carlson, J.	Halberg	McPherson	Seaberg	
Clausnitzer	Hartinger	Miller	Shaver	
Dempsey	Hartle	Olsen, S.	Stanis	
DenOuden	Haukoos	Onnen	Sviggum	

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

Voss moved to amend House Resolution No. 38, as follows:

Page 2, after line 4, insert:

"Be It Further Resolved that, in reaching the reduced appropriation amounts for fiscal years 1986 and 1987, no action taken

shall result in shifting existing authorized state general fund expenditure liabilities beyond June 30, 1987.

Be It Further Resolved that necessary budget revisions shall include such payment changes and authorities necessary so as to prevent the need for general fund short-term borrowing in fiscal years 1986 and 1987.

Be It Further Resolved that no major appropriation or taxing bills may be acted upon by the House until the budget committee has met and made a recommendation to the House that the major appropriation and tax bills have been reconciled so that the state general fund budget for 1986 and 1987 will be balanced as a result of House action on those bills."

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Minne	Quinn	Staten
Battaglia	Jacobs	Murphy	Rest	Tjornhom
Begich	Jennings, L.	Nelson, D.	Rice	Tunheim
Brandl	Kahn	Nelson, K.	Riveness	Vanasek
Brown	Knuth	Norton	Rodosovich	Vellenga
Carlson, D.	Kostohryz	Ogren	Sarna	Voss
Carlson, L.	Krueger	Olson, E.	Scheid	Welle
Clark	Lieder	Osthoff	Schoenfeld	Wynia
Cohen	Long	Otis	Segal	
Dyke	McEachern	Ozment	Simoneau	
Elioff	McLaughlin	Peterson	Solberg	
Ellingson	Metzen	Piper	Sparby	

Those who voted in the negative were:

Anderson, R.	Fjoslien	Kalis	Pauly	Stanisus
Backlund	Forsythe	Kelly	Piepho	Sviggum
Beard	Frederick	Kiffmeyer	Poppenhagen	Thiede
Bennett	Frederickson	Knickerbocker	Price	Thorson
Blatz	Frerichs	Kvam	Quist	Tomlinson
Boerboom	Gruenes	Levi	Redalen	Tompkins
Boo	Gutknecht	Marsh	Rees	Uphus
Burger	Halberg	McKasy	Richter	Valan
Carlson, J.	Hartinger	McPherson	Rose	Valento
Clausnitzer	Hartle	Miller	Schafer	Waltman
Dempsey	Haukoos	Olsen, S.	Schreiber	Wenzel
DenOuden	Heap	Omman	Seaberg	Zaffke
Dimler	Himle	Onnen	Shaver	Spk. Jennings, D.
Erickson	Johnson	Pappas	Skoglund	

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

Metzen was excused for the remainder of today's session.

The question was taken on House Resolution No. 38 and the roll was called.

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

There were 101 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Elioff	Kiffmeyer	Omann	Solberg
Backlund	Ellingson	Knickerbocker	Onnen	Sparby
Battaglia	Erickson	Knuth	Ozment	Stanisus
Beard	Fjoslien	Krueger	Pauly	Svigum
Begich	Forsythe	Kvam	Peterson	Thiede
Bennett	Frederick	Levi	Popenhagen	Thorson
Bishop	Frederickson	Lieder	Quist	Tjornhom
Blatz	Frerichs	Marsh	Redalen	Tompkins
Boerboom	Gruenes	McDonald	Rees	Tunheim
Boo	Gutknecht	McEachern	Rest	Uphus
Brinkman	Halberg	McKasy	Richter	Valan
Brown	Hartinger	McPherson	Riveness	Vanasek
Burger	Hartle	Miller	Rose	Waltman
Carlson, D.	Haukoos	Minne	Sarna	Welle
Carlson, J.	Heap	Nelson, D.	Schafer	Wenzel
Carlson, L.	Himle	Nelson, K.	Scheid	Zaffke
Clausnitzer	Jacobs	Neuenschwander	Schoenfeld	Spk. Jennings, D.
Dempsey	Jennings, L.	Norton	Schreiber	
DenOuden	Johnson	O'Connor	Seaberg	
Dimler	Kalis	Olsen, S.	Segal	
Dyke	Kelly	Olson, E.	Shaver	

Those who voted in the negative were:

Anderson, G.	Kahn	Ogren	Quinn	Staten
Brandl	Kostohryz	Osthoff	Rice	Tomlinson
Clark	McLaughlin	Otis	Rodosovich	Vellenga
Cohen	Munger	Pappas	Simoneau	Voss
Greenfield	Murphy	Piper	Skoglund	Wynia
Jaros				

The motion prevailed and House Resolution No. 38 was adopted.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, February 12, 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., Wednesday, February 12, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives