

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION – 1986

## SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 13, 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 Reverend Howard C. Gravrock, House Chaplain.

The roll was called and the following members were present:

|              |               |                |             |                   |
|--------------|---------------|----------------|-------------|-------------------|
| Anderson, G. | Erickson      | Kvam           | Pappas      | Solberg           |
| Anderson, R. | Fjoslien      | Levi           | Pauly       | Sparby            |
| Backlund     | Forsythe      | Lieder         | Peterson    | Stanius           |
| Battaglia    | Frederick     | Long           | Piepho      | Staten            |
| Beard        | Frederickson  | Marsh          | Piper       | Swiggum           |
| Becklin      | Frerichs      | McDonald       | Poppenhagen | Thiede            |
| Begich       | Greenfield    | McEachern      | Price       | Thorson           |
| Bennett      | Gruenes       | McKasy         | Quinn       | Tjornhom          |
| Bishop       | 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          | Schreiber   | Wynia             |
| Dempsey      | Kelly         | Olsen, S.      | Seaberg     | Zaffke            |
| DenOuden     | Kiffmeyer     | Omann          | Segal       | Spk. Jennings, D. |
| Dimler       | Knickerbocker | Onnen          | Shaver      |                   |
| Dyke         | Knuth         | Osthoff        | Sherman     |                   |
| Elioff       | Kostohryz     | Otis           | Simoneau    |                   |
| Ellingson    | Krueger       | Ozment         | Skoglund    |                   |

A quorum was present.

Olson, E., and Schoenfeld were excused.

Blatz was excused until 2:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. 1847, 1185, 1664 and 1910 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 1794, A bill for an act relating to human services; extending the deadline for permanent rules for nursing home reimbursement under the medical assistance program; amending Minnesota Statutes 1984, section 256B.431, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 144.072, subdivision 2, is amended to read:

Subd. 2. [EXISTING PROCEDURES.] The policies and procedures, including survey forms, reporting forms, and other documents developed by the commissioner of health for the purpose of conducting the inspections of care required under Code of Federal Regulations, title 42, sections 456.600 to 456.614, in effect on March 1, 1984, have the force and effect of law and shall remain in effect and govern inspections of care until June 30, (1986) 1987, unless otherwise superseded by rules adopted by the commissioner of health.

Sec. 2. Minnesota Statutes 1984, section 256B.431, subdivision 6, is amended to read:

Subd. 6. [RULES.] The commissioners of health and human services shall adopt emergency rules necessary for the implementation and enforcement of the reimbursement system established in Laws 1984, chapter 641, sections 10 to 20. The commissioner of health may adopt emergency rules relating to the licensure requirements of boarding care homes and nursing homes promulgated under sections 144.56 and 144A.08 if appropriate due to the changes in the reimbursement system. Until June 30, (1986) 1987, any emergency rules adopted by the commissioner of health or the commissioner of human services under this section shall be adopted in accordance with the provisions contained in sections 14.29 to 14.36 in effect on March 1, 1984.

Emergency rules adopted under this subdivision have the force and effect of law and remain in effect until June 30, (1986) 1987, unless otherwise superseded by rule. The procedures for the adoption of the emergency rules authorized by this subdivision shall prevail over any other act that amends chapter 14 regardless of the date of final enactment of those amendments. The rules shall be developed in consultation with the interagency board for quality assurance, provider groups and consumers and the board shall conduct public hearings as appropriate. The commissioners of health and human services shall consider all comments received and shall not implement the emergency rules until a report on the proposed rules has been presented to the senate health and human services committee and the house of representatives health and welfare committee. The rules are effective five days after publication in the State Register.

### Sec. 3. [EFFECTIVE DATE.]

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

Further, delete the title and insert:

"A bill for an act relating to human services; extending the deadline for permanent rules for nursing home reimbursement under the medical assistance program; amending Minnesota Statutes 1984, sections 144.072, subdivision 2; and 256B.431, subdivision 6."

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

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1837, A bill for an act relating to agriculture; establishing a legal assistance program for family farmers; prescribing eligibility requirements for persons to receive legal assistance; providing requirements for the legal assistance provider; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 480.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 116J.961, subdivision 8, is amended to read:

Subd. 8. [ADMINISTRATION OF ANNUAL INVESTMENT INCOME FROM THE RURAL REHABILITATION REVOLVING FUND.] (a) *To the extent allowable under the provisions of Public Law 499 of the 81st Congress, and the charter of the Minnesota rural rehabilitation corporation, the council must administer the annual investment income from the rural rehabilitation revolving fund by providing grants to the supreme court to facilitate the family farm legal support program. The council shall administer the remaining annual investment income from the rural rehabilitation revolving fund by:*

(1) administering a rural development grant program including the establishment of grant eligibility criteria, solicitation and review of grant applications, and determination of projects to be funded;

(2) developing priorities for state projects and activities related to rural development;

(3) providing technical help and rural development information services to state agencies, regional agencies, special districts, local governments, and interested citizens;

(4) preparing an annual budget and work program, and a biennial budget;

(5) preparing an annual report for the state office of the farmers home administration, United States Department of Agriculture outlining program activities and expenditures from the trust fund; and

(6) reporting to the house agriculture and senate agriculture and natural resources committees by January 31 of each year on the grants, projects, and activities of the council.

(b) The commissioner shall make agreements or contracts to distribute grant funds to projects selected by the council.

Sec. 2. Minnesota Statutes 1984, section 480.242, is amended by adding a subdivision to read:

Subd. 3a. [DISTRIBUTION OF FUNDS; LIMITATIONS.] *None of the funds distributed to recipients selected in accordance with the provisions of subdivision 2 may be used for activities promoting nonjudicial changes in the law. Actions precluded include:*

(1) appearance before legislative or administrative rule-making bodies for the purpose of promoting changes in existing law, unless the appearance is requested by a member of that body; and

*(2) preparation or assisting in the preparation of written statements promoting changes in existing law intended to be entered into the record of a legislative or rulemaking procedure.*

*The preceding restrictions limit only those activities for which state grant or contract funding is received and in no way limit the activities of any attorney acting in a pro bono capacity.*

**Sec. 3. [480.250] [ADMINISTRATION OF FAMILY FARM LEGAL ASSISTANCE PROGRAM.]**

*Subdivision 1. [CONTRACT AND ADMINISTRATION.] The supreme court shall contract with one or more established not-for-profit organizations to provide a family farmer legal support program for financially distressed state farmers by 60 days after funding is available. The family farmer legal assistance must be directed at farm financial problems including, but not limited to, bankruptcy, discharge of debt, general debtor-creditor relations, and tax considerations. The supreme court may delegate responsibility for administering funds under the contract to the advisory committee established under section 480.242, subdivision 1.*

*Subd. 2. [LEGAL ASSISTANCE PROVIDER.] The supreme court may contract only with a legal assistance provider that:*

*(1) is established as a not-for-profit organization under Minnesota law and tax exempt under the Internal Revenue Code;*

*(2) is organized principally to provide legal assistance;*

*(3) has a proven record of delivery of effective, high quality legal assistance;*

*(4) has experience and demonstrated expertise in addressing legal issues affecting financially distressed family farmers;*

*(5) can begin providing delivery of legal assistance to financially distressed farmers within 30 days after the contract is awarded; and*

*(6) can provide legal assistance to farmers throughout the state.*

**Sec. 4. [480.252] [FAMILY FARM LEGAL ASSISTANCE PROGRAM.]**

*Subdivision 1. [REQUIREMENTS.] The family farmer legal support program shall provide:*

(1) *legal backup and research support to attorneys throughout the state who represent financially distressed farmers;*

(2) *direct legal representation to eligible farmers in the most effective and efficient manner, giving special emphasis to enforcement of existing legal rights affecting large numbers of farmers;*

(3) *legal information to individual farmers;*

(4) *legal education and training to farmers, private attorneys, legal services staff, and the public;*

(5) *an incoming, statewide, toll free telephone line to provide the advice and referral requirements in this subdivision;*

(6) *legal advice and representation to farmers and small business operators whose loans are currently held by the Federal Deposit Insurance Corporation.*

*Subd. 2. [PRIORITIES.] In meeting the requirements of subdivision 1, recipients of funds under the family farm legal support program shall adhere to the following priorities:*

(1) *provide basic legal information relating to liquidation of farm property and restructuring of farm debt upon request by farmers, state and local officials, and state-supported farm management advisors;*

(2) *represent individual eligible farmers in pursuit of existing legal remedies relating to liquidation of farm property and restructuring of farm debt;*

(3) *provide legal backup and research support to private attorneys who are representing farmers in matters relating to liquidation of farm property and restructuring of farm debt, and who do not consider their own education and experience in those matters sufficient to provide highly competent representation;*

(4) *promote alternatives to legal confrontation wherever possible without jeopardizing an individual client's legal rights;*

(5) *pursue cases involving challenges to procedures followed by governmental entities in preference to those challenging the substance of legislative or administrative policies. Where possible, challenges to either procedure or policy of governmental entities shall be referred to private counsel.*

*Remedies which could reasonably be expected to exhaust the resources of an average farmer, or which otherwise could be*

*expected to detract from the number of individuals to be served within the limits of available funds are to be avoided.*

*Subd. 3. [REPORT.] The legal assistance provider shall submit a report to the supreme court each six months during the contract period demonstrating that the requirements in subdivision 1 have been met.*

*Subd. 4. [TERMINATION.] A contract under sections 3 to 6 may be terminated by the supreme court, or denied for renewal, upon reasonable written notice and good cause shown. A contract under sections 3 to 6 must be terminated if funds are used in a manner inconsistent with section 2.*

**Sec. 5. [480.254] [LEGAL SUPPORT ELIGIBILITY.]**

*A person is eligible for legal support under section 2 if the person:*

- (1) is a state resident;*
- (2) is or has been, within the preceding 24 months, a farmer, or a family shareholder of a family farm corporation;*
- (3) represents a farm business that has a debt-to-asset ratio greater than 60 percent; and*
- (4) has a reportable federal adjusted gross income of \$10,000 or less in the previous tax year and is financially unable to bind legal representation.*

*Qualifying farmers and small business operators whose bank loans are held by the Federal Deposit Insurance Corporation must be given priority.*

**Sec. 6. [480.256] [ANNUAL REPORT.]**

*A legal assistance provider shall submit a report to the supreme court, the senate committee on agriculture and natural resources, and the agriculture committee of the house of representatives by January 15 after each year of funding. The report must describe the activities and expenses under the contract during the previous calendar year and a summary of additional legal representation needed by distressed family farmers.*

**Sec. 7. [APPROPRIATION.]**

*\$850,000 is appropriated from the rural rehabilitation revolving fund to the supreme court to contract for legal assistance to farmers, to be available until June 30, 1987.*

## Sec. 8. [EFFECTIVE DATE.]

*Sections 1 to 5 are effective the day after final enactment."*

Amend the title as follows :

Page 1, line 2, after "agriculture;" insert "establishing priorities for the governor's rural development council;"

Page 1, line 3, delete "assistance" and insert "support"

Page 1, line 6, after "reports;" insert "transferring funds;"

Page 1, line 7, after "money;" insert "amending Minnesota Statutes 1984, section 480.242, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 116J.961, subdivision 8;"

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

The report was adopted.

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

H. F. No. 1844, A bill for an act relating to crimes; making it a felony to cause the death of or injure an unborn child; prescribing penalties; amending Minnesota Statutes 1984, section 609.035; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments :

Delete everything after the enacting clause and insert :

"Section 1. Minnesota Statutes 1984, section 609.035, is amended to read :

609.035 [CRIME PUNISHABLE UNDER DIFFERENT PROVISIONS.]

Except as provided in (SECTION) *sections* 609.251 (AND), 609.585, and *sections* 3, 4, and 16, if a person's conduct constitutes more than one offense under the laws of this state, he may be punished for only one of the offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All the offenses, if prosecuted, shall be included in one prosecution which shall be stated in separate counts.

Sec. 2. Minnesota Statutes 1984, section 609.18, is amended to read :



## 609.18 [DEFINITION.]

For the purposes of sections 609.185 (AND), 609.19, 6, and 7, "premeditation" means to consider, plan or prepare for, or determine to commit, the act referred to prior to its commission.

Sec. 3. Minnesota Statutes 1984, section 609.21, is amended by adding a subdivision to read:

*Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] Whoever causes the death of an unborn child as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,*

- (1) in a grossly negligent manner;*
- (2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or*
- (3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.*

Sec. 4. Minnesota Statutes 1984, section 609.21, is amended by adding a subdivision to read:

*Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] Whoever causes great bodily harm, as defined in section 609.02, subdivision 8, to an unborn child who is subsequently born alive, as a result of operating a vehicle defined in section 169.01, subdivision 2, or an aircraft or watercraft,*

- (1) in a grossly negligent manner;*
- (2) in a negligent manner while under the influence of alcohol, a controlled substance, or any combination of those elements; or*
- (3) in a negligent manner while having an alcohol concentration of 0.10 or more, is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both. A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.*

## Sec. 5. [609.266] [DEFINITIONS.]

*The definitions in this subdivision apply to sections 3, 4, and 6 to 14:*

(a) *"Unborn child" means the unborn offspring of a human being conceived, but not yet born.*

(b) *"Whoever" does not include the pregnant woman.*

## Sec. 6. [609.2661] [MURDER OF AN UNBORN CHILD IN THE FIRST DEGREE.]

*Whoever does any of the following is guilty of murder of an unborn child in the first degree and must be sentenced to imprisonment for life:*

(1) *causes the death of an unborn child with premeditation and with intent to effect the death of the unborn child or of another;*

(2) *causes the death of an unborn child while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the mother of the unborn child or another; or*

(3) *causes the death of an unborn child with intent to effect the death of the unborn child or another while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody.*

## Sec. 7. [609.2662] [MURDER OF AN UNBORN CHILD IN THE SECOND DEGREE.]

*Whoever does either of the following is guilty of murder of an unborn child in the second degree and may be sentenced to imprisonment for not more than 40 years:*

(1) *causes the death of an unborn child with intent to effect the death of that unborn child or another, but without premeditation; or*

(2) *causes the death of an unborn child, without intent to effect the death of any unborn child or person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence.*

## Sec. 8. [609.2663] [MURDER OF AN UNBORN CHILD IN THE THIRD DEGREE.]

*Whoever, without intent to effect the death of any unborn child or person, causes the death of an unborn child by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human or fetal life, is guilty of murder of an unborn child in the third degree and may be sentenced to imprisonment for not more than 25 years.*

**Sec. 9. [609.2664] [MANSLAUGHTER OF AN UNBORN CHILD IN THE FIRST DEGREE.]**

*Whoever does any of the following is guilty of manslaughter of an unborn child in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:*

*(1) intentionally causes the death of an unborn child in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances;*

*(2) causes the death of an unborn child in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force or violence that death of or great bodily harm to any person or unborn child was reasonably foreseeable, and murder of an unborn child in the first or second degree was not committed thereby; or*

*(3) intentionally causes the death of an unborn child because the actor is coerced by threats made by someone other than the actor's co-conspirator and which cause the actor to reasonably believe that his or her act is the only means of preventing imminent death to the actor or another.*

**Sec. 10. [609.2665] [MANSLAUGHTER OF AN UNBORN CHILD IN THE SECOND DEGREE.]**

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

*(1) by the actor's culpable negligence whereby the actor creates an unreasonable risk and consciously takes chances of causing death or great bodily harm to an unborn child or a person;*

*(2) by shooting the mother of the unborn child with a firearm or other dangerous weapon as a result of negligently believing her to be a deer or other animal;*

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

(4) *by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.*

*If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the mother of the unborn child provoked the animal to cause the unborn child's death.*

**Sec. 11. [609.267] [ASSAULT OF AN UNBORN CHILD IN THE FIRST DEGREE.]**

*Whoever assaults a pregnant woman and inflicts great bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.*

**Sec. 12. [609.2671] [ASSAULT OF AN UNBORN CHILD IN THE SECOND DEGREE.]**

*Whoever assaults a pregnant woman and inflicts substantial bodily harm on an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.*

**Sec. 13. [609.2672] [ASSAULT OF AN UNBORN CHILD IN THE THIRD DEGREE.]**

*Whoever does any of the following commits an assault of an unborn child in the third degree and is guilty of a misdemeanor:*

(1) *commits an act with intent to cause fear in a pregnant woman of immediate bodily harm or death to the unborn child; or*

(2) *intentionally inflicts or attempts to inflict bodily harm on an unborn child who is subsequently born alive.*

**Sec. 14. [609.268] [INJURY OR DEATH OF AN UNBORN CHILD IN COMMISSION OF CRIME.]**

*Subdivision 1. [DEATH OF AN UNBORN CHILD.] Whoever, in the commission of a felony or in a violation of sections 609.224, 609.23, or 609.231, causes the death of an unborn child is guilty of a felony and may be sentenced to imprisonment for not more than 15 years or to payment of a fine not more than \$30,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.185 to 609.21, 609.221 to 609.2231, or sections 6 to 10.*

*Subd. 2. [INJURY TO AN UNBORN CHILD.] Whoever, in the commission of a felony or in a violation of sections 609.23 or 609.231, causes great or substantial bodily harm to an unborn child who is subsequently born alive, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. As used in this subdivision, "felony" does not include a violation of sections 609.21, 609.221 to 609.2231, or sections 11 to 13.*

**Sec. 15. [609.269] [EXCEPTION.]**

*Sections 6 to 14 do not apply to any act described in section 145.412.*

**Sec. 16. [609.2691] [OTHER CONVICTIONS NOT BARRED.]**

*Notwithstanding section 609.04, a prosecution for or conviction under sections 6 to 14 is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.*

**Sec. 17. [EFFECTIVE DATE.]**

*Sections 1 to 16 are effective August 1, 1986, and apply to crimes committed on or after that date."*

Delete the title and insert:

*"A bill for an act relating to crimes; creating certain crimes against an unborn child; prohibiting acts which cause the death of or injury to an unborn child; imposing penalties; amending Minnesota Statutes 1984, sections 609.035; 609.18; and 609.21, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 609."*

With the recommendation that when so amended the bill pass.

The report was adopted.

McDonald from the Committee on Agriculture to which was referred:

H. F. No. 1882, A bill for an act relating to gasoline; changing the definition of agricultural alcohol gasoline; changing the identification marking on gasoline-alcohol blends; amending Minnesota Statutes 1985 Supplement, sections 296.01, subdivision 24; and 296.22, subdivision 13.

Reported the same back with the following amendments:

Page 1, line 19, after "*grains*," insert "*feed grains*,"

Page 2, line 5, strike "the front side" and insert "*both sides*"

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 12, after "*basis*" insert "*; except that the state patrol may utilize a trooper's total enforcement activity, in comparison to the total enforcement activity of all troopers, in its evaluation of a trooper's performance*"

With the recommendation that when so amended the bill pass.

The report was adopted.

#### POINT OF ORDER

Knuth raised a point of order pursuant to rule 5.8 that H. F. No. 1930 be re-referred to the Committee on Governmental Operations. The Speaker deferred his decision on the Knuth point of order.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 1794, 1844, 1882 and 1930 were read for the second time.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Tompkins, Thorson, McPherson, Rodosovich and McEachern introduced:

H. F. No. 2076, A bill for an act relating to post-secondary education; requiring the higher education coordinating board to study financial aid counseling needs in post-secondary institutions.

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

Bishop, Scheid, Dempsey, Schreiber and Minne introduced:

H. F. No. 2077, A bill for an act relating to taxation; limiting application of the open space property tax law to facilities that do not discriminate on the basis of sex; amending Minnesota Statutes 1984, section 273.112, subdivisions 3 and 4, and by adding a subdivision.

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

Bishop, Quinn, Rees and Dempsey introduced:

H. F. No. 2078, A bill for an act relating to real estate; providing for cancellation of real estate contract depending upon when contract was executed; providing for determination of purchase price; amending Minnesota Statutes 1984, section 559.21, by adding subdivisions; and Minnesota Statutes 1985 Supplement, section 559.21, subdivisions 2a, 3, and 4.

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

Backlund, Ellingson, Vanasek, Johnson and Miller introduced:

H. F. No. 2079, A bill for an act relating to judgments; clarifying the general judgment lien law; amending Minnesota Statutes 1984, section 548.09, subdivision 1.

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

Thorson, Ogren, McDonald, Rose and Neuenschwander introduced:

H. F. No. 2080, A bill for an act relating to agriculture; declaring state policy relating to paddy-grown rice; regulating paddy-grown rice; providing land to be sold for wild rice production; licensing wild rice producers; authorizing rules; amending Minnesota Statutes 1985 Supplement, section 92.501, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 30; repealing Minnesota Statutes 1984, section 30.49.

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

Sviggum, Onnen, Segal, Greenfield and Becklin introduced:

H. F. No. 2081, A bill for an act relating to human services; directing the commissioner of human services to create a mental health service system; setting forth requirements for a mental health service system; amending Minnesota Statutes 1984, section 245.69, by adding a subdivision.

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

Sviggum, Onnen, Segal, Greenfield and Becklin introduced:

H. F. No. 2082, A bill for an act relating to mental health; extending the patients' bill of rights to cover people receiving out-patient mental health treatment; defining a minimum grievance procedure for health care facilities; including in the patients' bill of rights the right of access to protection and advocacy services; amending Minnesota Statutes 1984, section 144.651, subdivisions 2, 4, 20, and by adding a subdivision.

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

Segal, Battaglia, Lieder, Vanasek and Neuenschwander introduced:

H. F. No. 2083, 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.

McKasy, Ellingson, Forsythe, Long and Onnen introduced:

H. F. No. 2084, A bill for an act relating to occupations and professions; limiting the civil liability of psychologists for the violent acts of patients; proposing coding for new law in Minnesota Statutes, chapter 148.

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



Schreiber, Scheid and Clausnitzer introduced:

H. F. No. 2085, A bill for an act relating to the city of Brooklyn Park; permitting the city to establish a port authority commission.

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

Schreiber, Scheid and Clausnitzer introduced:

H. F. No. 2086, A bill for an act relating to food; clarifying the food handling license requirements applicable to mobile and itinerant food services; amending Minnesota Statutes 1984, sections 28A.065; 28A.09, subdivision 1; 145.031, subdivision 1; and 145.55, subdivision 1.

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

Kostohryz introduced:

H. F. No. 2087, A bill for an act relating to retirement; authorizing certain prior service and military service purchases.

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

Begich, Battaglia, Minne, Eliooff and Brinkman introduced:

H. F. No. 2088, A bill for an act relating to insurance; no-fault auto; removing mandatory uninsured and underinsured motorist coverages; clarifying the law regarding these coverages; amending Minnesota Statutes 1985 Supplement, section 65B.49, subdivision 3a; repealing Laws 1985, First Special Session chapter 13, section 191.

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

Clausnitzer and Heap introduced:

H. F. No. 2089, A bill for an act relating to employment; regulating systems of sharing or pooling gratuities; defining service charges; amending Minnesota Statutes 1984, section 177.23, subdivision 9; Minnesota Statutes 1985 Supplement, section 177.24, subdivision 3.

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

Wenzel introduced:

H. F. No. 2090, A bill for an act relating to taxation; removing the additional sales tax from liquor; repealing Minnesota Statutes 1984, section 297A.02, subdivision 3.

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

Wenzel introduced:

H. F. No. 2091, A bill for an act relating to taxation; including replacement parts in the definition of "farm machinery" for sales tax purposes; amending Minnesota Statutes 1984, section 297A.01, subdivision 15.

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

Neuenschwander; Lieder; Olson, E.; Jennings, L., and Beard introduced:

H. F. No. 2092, A bill for an act relating to taxation; individual income; eliminating the age restrictions on the pension income exclusion; modifying the income offset; amending Minnesota Statutes 1985 Supplement, section 290.08, subdivision 26.

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

Clausnitzer, Gruenes, Vellenga, McLaughlin and Sviggum introduced:

H. F. No. 2093, A bill for an act relating to human services; establishing demonstration projects to centralize application for all food assistance programs and to promote full participation in food assistance programs; establishing a nutrition council; establishing a coordinated nutrition data bank; requiring the full expenditure of federal funds by agencies administering the special supplemental food program for women, infants, and children; establishing a centralized unit to supervise the food stamp program; requiring food stamps to be provided within 24 hours to persons eligible for expedited issuance; requiring that waivers be obtained, if possible, from the United States government to allow certain individuals to obtain food stamps and medical assistance, to permit reimbursement of costs of home-delivered meals to the elderly, and to implement a pilot school breakfast program; appropriating money; amending Minnesota Statutes 1984, sections 145.892, subdivision 2; 145.894; and 393.07, subdivision 10, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 124; 144; 245; and 256B.

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

Kvam, Norton, Redalen and Brinkman introduced:

H. F. No. 2094, A bill for an act relating to taxation; property; allowing certain property owners to appeal assessments directly to the tax or district court; amending Minnesota Statutes 1985 Supplement, sections 271.01, subdivision 5; and 278.01, subdivision 1.

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

Carlson, D., introduced:

H. F. No. 2095, A bill for an act relating to economic development; rural development; establishing a mineral resources program; establishing a community development division in the department of energy and economic development; transferring the independent wastewater treatment grant program from the pollution control agency to the department of energy and economic development; establishing the rural development council; establishing the rural development revolving fund program; establishing the state supplemental education grant program; adding

criteria for allocation of private activity bonds and available insurance authority; appropriating money; amending Minnesota Statutes 1984, sections 116.16, subdivision 5; 116J.61; 116J.873, subdivision 1; and 462.384, subdivision 7; Minnesota Statutes 1985 Supplement, sections 116.16, subdivision 2; 116M.06, subdivision 3; 474.19, subdivisions 3 and 4; proposing coding for new law in Minnesota Statutes, chapters 84, 116J, and 136A; and repealing Minnesota Statutes 1985 Supplement, sections 116.18, subdivision 3a; 116J.951; 116J.955; 116J.961; and 116J.965.

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

Schreiber, Kvam, Himle, McKasy and Dempsey introduced:

H. F. No. 2096, A bill for an act relating to taxation; property; changing payment dates for certain property tax reimbursements; amending Minnesota Statutes 1985 Supplement, section 273.13, subdivision 15a.

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

Fjoslien, Wenzel, Gutknecht and Dimler introduced:

H. F. No. 2097, A bill for an act relating to charitable gambling; providing an exemption from regulation to organizations conducting certain raffles; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

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

Nelson, D.; Rodosovich; Clark; Neuenschwander and Beard introduced:

H. F. No. 2098, A bill for an act relating to taxation; individual income; permitting certain unmarried individuals to file joint returns; amending Minnesota Statutes 1985 Supplement, section 290.06, subdivision 2c.

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

Svigum, Rodosovich, Ozment, Vellenga and Carlson, J., introduced:

H. F. No. 2099, A bill for an act relating to human services; setting forth legislative direction for child care services; authorizing a study; ensuring safe, affordable, quality child care; directing the commissioner of human services to provide information to providers and consumers of day care; suspending administrative authority until further consideration by the legislature; indemnifying counties; amending Minnesota Statutes 1984, sections 245.802, subdivision 1; 299F.011, subdivision 4a; 466.01, by adding subdivisions; 466.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 245 and 466.

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

Svigum, Osthoff, Kostohryz, McDonald and Valento introduced:

H. F. No. 2100, A bill for an act relating to agriculture; state agricultural society; removing the time and geographical restrictions on the society's ability to impose certain restrictions on performers at the state fairgrounds; amending Minnesota Statutes 1985 Supplement, section 37.17, subdivision 1.

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

Thiede, Schafer, Miller, Tunheim and Elioff introduced:

H. F. No. 2101, A bill for an act relating to education; allowing school boards to join the Minnesota rural education association; amending Minnesota Statutes 1984, section 123.33, subdivision 10.

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

McEachern; Voss; Nelson, K.; Olsen, S., and Backlund introduced:

H. F. No. 2102, A bill for an act relating to school districts; permitting certain fund transfers; amending Minnesota Statutes 1984, section 121.912, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 121.912, subdivision 1; repealing Minnesota Statutes 1985 Supplement, section 129.9121.

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

Quinn, Simoneau, Price, Murphy and Sparby introduced:

H. F. No. 2103, A bill for an act relating to taxation; individual income; eliminating the age restrictions on the pension income exclusion; modifying the income offset; amending Minnesota Statutes 1985 Supplement, section 290.08, subdivision 26.

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

Rodosovich; Clark; Jennings, L.; Beard and Sparby introduced:

H. F. No. 2104, 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.

Ogren and Carlson, D., introduced:

H. F. No. 2105, A bill for an act relating to local government; permitting an agreement to finance library construction in McGregor.

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

Hartle, Erickson, Kostohryz, Heap and McEachern introduced:

H. F. No. 2106, A bill for an act relating to education; adding post-secondary vocational technical education representation on the ESV computer and UFARS advisory councils; amending Minnesota Statutes 1984, sections 121.901, subdivision 1; and 121.934, subdivisions 1 and 2.

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

Rose introduced:

H. F. No. 2107, A bill for an act relating to game and fish; reimbursing nongame wildlife account for elk removal costs; appropriating money.

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

Gruenes, Vellenga, Sviggum and Schoenfeld introduced:

H. F. No. 2108, A bill for an act relating to human services; removing the limitation on negotiated rate payments for adult foster care arrangements; amending Minnesota Statutes 1985 Supplement, sections 256D.01, subdivision 1b; and 256D.37, subdivision 1.

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

Clausnitzer introduced:

H. F. No. 2109, A bill for an act relating to human services; clarifying members of screening team for intermediate care facilities; amending Minnesota Statutes 1985 Supplement, section 256B.092, subdivision 7.

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

Clausnitzer introduced:

H. F. No. 2110, A bill for an act relating to education; authorizing construction at intermediate school district No. 287, Suburban Hennepin.

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

Clausnitzer introduced:

H. F. No. 2111, A bill for an act relating to the city of Medina; authorizing a payment by the city for utility construction.

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

McLaughlin introduced:

H. F. No. 2112, A bill for an act relating to health; providing for comprehensive school-based health clinic projects; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Neuenschwander; Miller; Olson, E.; Frerichs and Tunheim introduced:

H. F. No. 2113, 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.

Dyke, Clausnitzer, Erickson and Dimler introduced:

H. F. No. 2114, A bill for an act relating to workers' compensation; modifying definition of the maximum weekly benefit; defining spendable weekly earnings; changing the basis for calculating temporary total disability benefits, temporary partial disability benefits, economic recovery compensation and permanent total disability benefits; amending Minnesota Statutes 1984, sections 176.011, subdivision 18, and by adding a subdivision; and 176.101, subdivisions 1, 2, 3a, and 4.

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

Dempsey and Schafer introduced:

H. F. No. 2115, A bill for an act relating to the statute of limitations; providing a limitation on actions against land surveyors; proposing coding for new law in Minnesota Statutes, chapter 541.

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



Hartinger introduced:

H. F. No. 2116, A bill for an act relating to traffic regulations; requiring school zone speed limits to be in effect at all times; amending Minnesota Statutes 1984, section 169.14, subdivision 5a.

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

Hartinger introduced:

H. F. No. 2117, A bill for an act relating to traffic regulations; requiring warning alarm on certain motor vehicles when backing; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Hartinger and Jennings, L., introduced:

H. F. No. 2118, A bill for an act relating to courts; regulating the jurisdiction of conciliation courts in worthless check cases; amending Minnesota Statutes 1984, section 487.30, subdivision 4; Minnesota Statutes 1985 Supplement, sections 488A.12, subdivision 3; and 488A.29, subdivision 3.

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

Stanis and Bennett introduced:

H. F. No. 2119, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

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

Sparby and Olson, E., introduced :

H. F. No. 2120, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1984, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

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

Dimler, Frederick, Frederickson, Thiede and Clausnitzer introduced :

H. F. No. 2121, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; setting the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.53; 43A.18, subdivision 4; 179A.10, subdivision 1; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivision 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; Minnesota Statutes 1985 Supplement, sections 14.48; 14.51; 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

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

Frerichs and Frederickson introduced :

H. F. No. 2122, A bill for an act relating to agriculture; reactivating the agricultural data collection task force; declaring certain data of the task force to be "not public data"; appro-

priating money; amending Laws 1985, chapter 19, section 2, subdivisions 2 and 6, and by adding a subdivision.

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

Himle; Blatz; Jennings, D.; Riveness and Neuenschwander introduced:

H. F. No. 2123, A bill for an act relating to the city of Bloomington; authorizing the city to impose certain taxes; exempting certain assessed valuation within the city from metropolitan revenue distribution; permitting the city to establish a special taxing district; authorizing the port authority of the city to pledge certain tax revenues to pay certain bonds and permitting it to develop leased land; authorizing development in accordance with the Generic EIS and Generic Indirect Source Permit.

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

Carlson, D., introduced:

H. F. No. 2124, A bill for an act relating to natural resources; enacting a reorganization of the department of natural resources and requiring the commissioner of natural resources to implement the same by December 31, 1986; amending Minnesota Statutes 1984, sections 84.01, subdivision 3; 84.028, subdivision 3; 84.082; 84.086; 97.41, subdivision 2; 105.40, subdivisions 1 and 2; repealing Minnesota Statutes 1984, sections 84.081; 84.083; and 89.014.

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

Carlson, D., introduced:

H. F. No. 2125, A bill for an act relating to environment; providing for the selection of locations for and developers of integrated facilities for the resource recovery, recycling, or stabilization and containment of hazardous waste; appropriating money; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1, and by adding subdivisions; 115A.06, by adding

a subdivision; and 115A.075; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1984, section 115A.17.

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

Gruenes and Marsh introduced:

H. F. No. 2126, A bill for an act relating to the city of St. Cloud; authorizing the city to impose certain taxes to construct, operate, and promote a convention center facility.

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

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1349 and 1574.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1349, A bill for an act relating to insurance; providing that insurers or health maintenance organizations must not require a public employer to contribute toward the payment of insurance premiums or charges for insurance for retired officers or employees; amending Minnesota Statutes 1984, section 471.61, subdivision 2a.

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

S. F. No. 1574, A bill for an act relating to counties; making optional a county building commission law; amending Minnesota Statutes 1984, section 394.01.

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

## CALENDAR

H. F. No. 1725, A bill for an act relating to taxation; income; repealing the suspension of inflation adjustments; repealing Minnesota Statutes 1985 Supplement, section 290.06, subdivision 2f.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 18 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|              |            |         |          |         |
|--------------|------------|---------|----------|---------|
| Anderson, G. | Long       | Osthoff | Rice     | Staten  |
| Clark        | McLaughlin | Otis    | Simoneau | Vanasek |
| Jaros        | Munger     | Pappas  | Skoglund | Voss    |
| Kahn         | Ogren      | Quinn   |          |         |

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1806, A bill for an act relating to financial institutions; permitting state banks and credit unions to offer self-directed individual retirement accounts; amending Minnesota Statutes 1984, section 48.15, by adding a subdivision; and Minnesota Statutes 1985 Supplement, section 52.04, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

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

The question was taken on the passage of the bill and the roll  
was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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; amend-  
ing Laws 1984, chapter 444, section 4.

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

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

Those who voted in the affirmative were:

|              |           |         |          |          |
|--------------|-----------|---------|----------|----------|
| Anderson, G. | Battaglia | Begich  | Boerboom | Brinkman |
| Anderson, R. | Beard     | Bennett | Boo      | Brown    |
| Backlund     | Becklin   | Bishop  | Brandl   | Burger   |



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

The bill was passed and its title agreed to.

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

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

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bill as a Special Order to be acted upon immediately preceding General Orders pending for today, Thursday, February 13, 1986:

H. F. No. 1847.

#### SPECIAL ORDERS

H. F. No. 1847 was reported to the House.

#### 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. | Carlson, L. | Frederickson | Kahn      | McLaughlin     |
| Backlund     | Clark       | Frerichs     | Kalis     | McPherson      |
| Battaglia    | Clausnitzer | Gruenes      | Knuth     | Metzen         |
| Beard        | Cohen       | Gutknecht    | Kestohryz | Miller         |
| Becklin      | Dempsey     | Hartinger    | Krueger   | Munger         |
| Begich       | DenOuden    | Hartle       | Kvam      | Murphy         |
| Bennett      | Dimler      | Haukoos      | Levi      | Nelson, D.     |
| Blatz        | Elioff      | Heap         | Lieder    | Nelson, K.     |
| Boerboom     | Ellingson   | Jacobs       | Marsh     | Neuenschwander |
| Brown        | Fjoslien    | Jaros        | McDonald  | Norton         |
| Burger       | Forsythe    | Jennings, L. | McEachern | O'Connor       |
| Carlson, J.  | Frederick   | Johnson      | McKasy    | Ogren          |

|           |             |          |           |                   |
|-----------|-------------|----------|-----------|-------------------|
| Olsen, S. | Poppenhagen | Rose     | Sparby    | Valan             |
| Omann     | Price       | Sarna    | Stanisus  | Valento           |
| Onnen     | Quinn       | Schafer  | Staten    | Vanasek           |
| Otis      | Quist       | Seaberg  | Thiede    | Vellenga          |
| Ozment    | Rees        | Segal    | Thorson   | Voss              |
| Pappas    | Rest        | Shaver   | Tjoernhom | Waltman           |
| Pauly     | Rice        | Sherman  | Tomlinson | Welle             |
| Peterson  | Richter     | Simoneau | Tompkins  | Wenzel            |
| Piepho    | Riveness    | Skoglund | Tunheim   | Spk. Jennings, D. |
| Piper     | Rodosovich  | Solberg  | Uphus     |                   |

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.

Riveness moved to amend H. F. No. 1847, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 268.04, subdivision 2, is amended to read:

Subd. 2. "Base period" means (a) the (PERIOD OF 52 CALENDAR WEEKS IMMEDIATELY PRECEDING THE FIRST DAY OF AN INDIVIDUAL'S BENEFIT YEAR. HOWEVER, IF A CLAIMANT RECEIVED WEEKLY WORKER'S COMPENSATION FOR TEMPORARY TOTAL DISABILITY UNDER THE PROVISIONS OF CHAPTER 176 OR UNDER A SIMILAR LAW OF THE UNITED STATES FOR MORE THAN SEVEN WEEKS WITHIN THE BASE PERIOD, OR IF A CLAIMANT, WHOSE OWN SERIOUS ILLNESS CAUSED A LOSS OF CREDIT WEEKS WITHIN THE BASE PERIOD, RECEIVED COMPENSATION DUE TO THE ILLNESS FROM SOME OTHER SOURCE OR UNDER A LAW OF THIS STATE OTHER THAN CHAPTER 176 OR UNDER A SIMILAR LAW OF THE UNITED STATES FOR MORE THAN SEVEN WEEKS WITHIN THE BASE PERIOD, THE CLAIMANT'S BASE PERIOD SHALL BE LENGTHENED BY THE SAME NUMBER OF WEEKS, BUT NOT TO EXCEED 52 WEEKS, FOR WHICH THE CLAIMANT RECEIVED THE PAYMENTS. NO EXTENDED BASE PERIOD SHALL INCLUDE WAGE CREDITS UPON WHICH BENEFITS WERE ESTABLISHED AND PAID WITH RESPECT TO A PRIOR VALID CLAIM) *first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, or*

(b) *If an individual is unable to establish a benefit year under section 268.07, subdivision 2, based upon the preceding paragraph, the last four completed calendar quarters immediately preceding the first day of an individual's benefit year.*

*If during the base period an individual received workers' compensation for temporary disability under chapter 176 or un-*

*der similar law of the United States, or if an individual, whose own serious illness caused a loss of work for which the individual received compensation due to the illness from some other source or under a law of this state, other than chapter 176 or under a similar law of the United States, the individual's base period shall be lengthened to the extent stated as follows:*

*(a) If an individual was compensated, as described above, for a loss of work of 7 through 13 weeks, the original base period shall be extended to include the first calendar quarter preceding the original base period; or*

*(b) If an individual was compensated, as described above, for a loss of work of 20 through 26 weeks, the original base period shall be extended to include the first two calendar quarters preceding the base period; or*

*(c) If an individual was compensated, as described above, for a loss of work from 33 through 39 weeks, the original base period shall be extended to include the first three calendar quarters preceding the base period; or*

*(d) If an individual was compensated, as described above, for a loss of work from 46 through 52 weeks, the original base period shall be extended to include the first four quarters preceding the base period.*

*In no instance shall the base period be extended to include more than four additional calendar quarters.*

*No extended base period shall include wage credits upon which a claim was established and benefits were paid with respect to that valid claim. For benefit years beginning after October 1, 1987, no base period shall include wage credits upon which a claim was established and benefits were paid with respect to that valid claim.*

Sec. 2. Minnesota Statutes 1984, section 268.04, subdivision 4, is amended to read:

Subd. 4. "Benefit year" with respect to any individual means the period of fifty-two calendar weeks beginning with the first day of the first week with respect to which the individual files a valid claim for benefits. *For individuals with a valid claim effective January 1, April 1, July 1, or October 1, the benefit year will be a period of 53 weeks beginning with the first week with respect to which the individual files a valid claim for benefits.*

Sec. 3. Minnesota Statutes 1984, section 268.04, subdivision 24, is amended to read:

Subd. 24. "Valid claim" with respect to any individual means a claim filed by an individual who has registered for work and

who has earned wage credits (AND ESTABLISHED CREDIT WEEKS) during his base period sufficient to entitle him to benefits under section 268.07, subdivision 2.

Sec. 4. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

*Subd. 34. [CONTRIBUTION REPORT.] "Contribution report" means the summary report of wages and employment used to determine the amount of contributions due by employers on a calendar quarter basis. An auxiliary report of wages and employment broken down by business locations, when required, is part of the contribution report.*

Sec. 5. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

*Subd. 35. [WAGE DETAIL REPORT.] "Wage detail report" means the itemized report used to record the information required by section 268.121.*

Sec. 6. Minnesota Statutes 1984, section 268.04, is amended by adding a subdivision to read:

*Subd. 36. [HIGH QUARTER.] "High quarter" means the calendar quarter in an individual's base period for which the total wage credits paid to the individual during that quarter are equal to or greater than the total wage credits paid to the individual during any other calendar quarter in the individual's base period.*

Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 2, is amended to read:

*Subd. 2. [RATES.] Each employer shall pay contributions equal to (TWO AND SEVEN-TENTHS PERCENT FOR EACH CALENDAR YEAR PRIOR TO 1985 AND) 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. Each employer who has an experience ratio of less than one-tenth of one percent shall pay contributions on only the first (\$8,000) \$9,500 and \$11,000 in wages paid and wages overdue and delayed beyond the usual time of payment to each employee with respect to employment occurring during (EACH) calendar (YEAR) years 1987 and 1988, respectively. For calendar year 1989 and thereafter, employers who have an experience ratio of less than one-tenth of one percent shall pay contributions on wages as provided under section 268.04, subdivision 25, clause (a).*

Sec. 8. Minnesota Statutes 1984, section 268.06, subdivision 3a, is amended to read:

Subd. 3a. [RATE FOR NEW EMPLOYERS.] (a) Notwithstanding the provisions of subdivision 2, each employer, who becomes subject to this law, shall pay contributions at a rate (:)

((A) NOT EXCEEDING 2-7/10 PERCENT, THAT IS THE HIGHER OF (1) ONE PERCENT AND (2) THE STATE'S THREE-YEAR BENEFIT COST RATE FOR THE 36 CONSECUTIVE MONTH PERIOD IMMEDIATELY PRECEDING JULY 1 OF EACH YEAR FOR EACH EMPLOYER WHO BECOMES SUBJECT TO THIS LAW PRIOR TO JANUARY 1, 1984. FOR PURPOSES OF THIS CLAUSE, THE STATE'S THREE-YEAR BENEFIT COST RATE SHALL BE COMPUTED ANNUALLY AND SHALL BE DERIVED BY DIVIDING THE TOTAL DOLLAR AMOUNT OF BENEFITS PAID TO CLAIMANTS UNDER THIS LAW DURING THE 36 CONSECUTIVE CALENDAR MONTHS IMMEDIATELY PRECEDING JULY 1 OF EACH YEAR BY THE TOTAL DOLLAR AMOUNT OF WAGES SUBJECT TO CONTRIBUTIONS UNDER THIS LAW DURING THE SAME PERIOD. THE RATE SO DETERMINED SHALL BE APPLICABLE FOR THE CALENDAR YEAR NEXT SUCCEEDING EACH COMPUTATION DATE.)

((B) NOT EXCEEDING 2-7/10 PERCENT, THAT IS THE HIGHER OF (1) ONE PERCENT AND (2) THE STATE'S FOUR-YEAR BENEFIT COST RATE FOR THE 48 CONSECUTIVE MONTH PERIOD IMMEDIATELY PRECEDING JULY 1 OF EACH YEAR FOR EACH EMPLOYER, EXCEPT EMPLOYERS IN THE CONSTRUCTION INDUSTRY, AS DETERMINED BY THE COMMISSIONER, WHO BECOMES SUBJECT TO THIS LAW SUBSEQUENT TO DECEMBER 31, 1983 AND PRIOR TO JANUARY 1, 1985. FOR PURPOSES OF THIS CLAUSE, THE STATE'S FOUR-YEAR BENEFIT COST RATE SHALL BE COMPUTED AND DERIVED BY DIVIDING THE TOTAL DOLLAR AMOUNT OF BENEFITS PAID TO CLAIMANTS UNDER THIS LAW DURING THE 48 CONSECUTIVE CALENDAR MONTHS IMMEDIATELY PRECEDING JULY 1, 1983 BY THE TOTAL DOLLAR AMOUNT OF WAGES SUBJECT TO CONTRIBUTIONS UNDER THIS LAW DURING THE SAME PERIOD. THE RATE SO DETERMINED SHALL BE APPLICABLE FOR THE CALENDAR YEAR 1984.)

(EACH CONSTRUCTION EMPLOYER DESCRIBED ABOVE WHO BECOMES SUBJECT TO CHAPTER 268 SHALL PAY CONTRIBUTIONS AT A RATE, NOT EXCEEDING 7-1/2 PERCENT, THAT IS THE HIGHER OF (1) ONE PERCENT, OR (2) THE STATE'S FOUR-YEAR BENEFIT COST RATE FOR CONSTRUCTION EMPLOYERS FOR THE 48 CONSECUTIVE MONTH PERIOD IMMEDIATELY PRECEDING JULY 1, 1983. FOR PURPOSES OF THIS CLAUSE, THE STATE'S FOUR-YEAR BENEFIT COST RATE SHALL BE COMPUTED AND DERIVED BY DIVIDING THE TOTAL

DOLLAR AMOUNT OF BENEFITS PAID TO CLAIMANTS OF CONSTRUCTION EMPLOYERS, AS DETERMINED BY THE COMMISSIONER, DURING THE 48 CONSECUTIVE CALENDAR MONTHS IMMEDIATELY PRECEDING JULY 1, 1983 BY THE TOTAL DOLLAR AMOUNT OF WAGES OF CONSTRUCTION EMPLOYERS SUBJECT TO CONTRIBUTIONS DURING THE SAME PERIOD. THE RATE SO DETERMINED SHALL BE APPLICABLE FOR THE CALENDAR YEAR 1984.)

((C)) not exceeding 5-4/10 percent, that is the higher of (1) one percent and (2) the state's five-year benefit cost rate for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter for each employer, except employers in the construction industry, as determined by the commissioner who becomes subject to this law on January 1, 1985 and thereafter. For purposes of this (CLAUSE) *paragraph*, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this law during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages subject to contributions under this law during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

(b) Each construction employer described (ABOVE) in *paragraph (a)* who becomes subject to this chapter shall pay contributions at a rate, not exceeding (7-1/2 PERCENT) *the maximum rate specified in subdivision 8*, that is the higher of (1) one percent, or (2) the state's five-year benefit cost rate for construction employers for the 60 consecutive month period immediately preceding July 1, 1984 and each year thereafter. For purposes of this (CLAUSE) *paragraph*, the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants of construction employers, as determined by the commissioner, during the 60 consecutive calendar months immediately preceding July 1, 1984 and each year thereafter by the total dollar amount of wages of construction employers subject to contributions during the same period. The rate so determined shall be applicable for the calendar year next succeeding each computation date.

Sec. 9. Minnesota Statutes 1984, section 268.06, subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] (a) For each calendar year the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the *employer's* experience ratio (, EXCEPT THAT IF THE RATIO FOR THE CURRENT CALENDAR YEAR INCREASES OR DECREASES THE EXPERIENCE

RATIO FOR THE PRECEDING CALENDAR YEAR BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, THE INCREASE OR DECREASE FOR THE CURRENT YEAR SHALL BE LIMITED TO ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER. "SMALL BUSINESS EMPLOYER" FOR THE PURPOSE OF THIS SUBDIVISION MEANS AN EMPLOYER WITH AN ANNUAL COVERED PAYROLL OF \$250,000 OR LESS, OR FEWER THAN 20 EMPLOYEES IN THREE OF THE FOUR QUARTERS ENDING JUNE 30, OF THE PREVIOUS CALENDAR YEAR). *No employer shall have a contribution rate of more than eight percent; except that additional solvency assessments shall be added to the contribution rate as provided under paragraph (c).*

(b) The minimum rate for all employers with an experience ratio of less than one-tenth of one percent shall be (ONE PERCENT IF THE AMOUNT IN THE UNEMPLOYMENT COMPENSATION FUND IS LESS THAN \$80,000,000 ON JUNE 30 OF THE PRECEDING CALENDAR YEAR; OR NINE-TENTHS) *eight-tenths* of one percent (IF THE FUND IS MORE THAN \$80,000,000 BUT LESS THAN \$90,000,000) *for calendar year 1987*; (OR EIGHT-TENTHS) *and seven-tenths* of one percent (IF THE FUND IS MORE THAN \$90,000,000 BUT LESS THAN \$110,000,000; OR SEVEN-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$110,000,000 BUT LESS THAN \$130,000,000; OR SIX-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$130,000,000 BUT LESS THAN \$150,000,000; OR FIVE-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$150,000,000 BUT LESS THAN \$170,000,000; OR THREE-TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$170,000,000 BUT LESS THAN \$200,000,000; OR ONE-TENTH OF ONE PERCENT IF THE FUND IS \$200,000,000 OR MORE; PROVIDED THAT NO EMPLOYER SHALL HAVE A CONTRIBUTION RATE OF MORE THAN 7.5 PERCENT) *for calendar year 1988; and six-tenths of one percent for calendar year 1989; and each calendar year thereafter. The minimum rate for employers with an experience ratio of one-tenth of one percent or more shall be one percent.*

(c) Solvency assessments shall be added to an employer's contribution rate for each calendar year as follows: (1) if the fund balance as of December 31 of the preceding calendar year is positive and equals or exceeds the fund balance as of December 31 of the second preceding calendar year, no solvency assessment is applicable; (2) if the fund balance on December 31 of the preceding calendar year is less than the fund balance on December

*31 of the second preceding calendar year, or if the fund balance is in a deficit, each employer except those making payments in lieu of contributions under section 268.06, subdivisions 25, 26, 27, and 28 shall pay a quarterly solvency assessment of ten percent, multiplied by the contributions payable for each calendar quarter of the current year. The quarterly contributions, and the solvency assessment payments shall be combined and will be computed to the equivalent rate, notwithstanding the maximum rate established in paragraph (a).*

(d) For the purposes of this section the unemployment compensation fund shall not include any moneys advanced from the Federal Unemployment Account in the unemployment trust fund in accordance with Title XII of the Social Security Act, as amended. (NO EMPLOYER FIRST ASSIGNED AN EXPERIENCE RATIO IN ACCORDANCE WITH SUBDIVISION 6, SHALL HAVE HIS CONTRIBUTION RATE INCREASED OR DECREASED BY MORE THAN ONE AND ONE-HALF PERCENTAGE POINTS FOR 1982; AND 2-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER OVER THE CONTRIBUTION RATE ASSIGNED FOR THE PRECEDING CALENDAR YEAR IN ACCORDANCE WITH SUBDIVISION 3A, PROVIDED THAT A SMALL BUSINESS EMPLOYER SHALL BE ELIGIBLE, UPON APPLICATION, FOR A REDUCTION IN THE LIMITATION TO 1-1/2 PERCENTAGE POINTS FOR 1983 AND EACH YEAR THEREAFTER.)

Sec. 10. Minnesota Statutes 1984, section 268.07, subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] (IF THE COMMISSIONER FINDS THAT AN INDIVIDUAL HAS EARNED 15, OR MORE, CREDIT WEEKS WITHIN THE BASE PERIOD OF EMPLOYMENT IN INSURED WORK WITH ONE OR MORE EMPLOYERS, BENEFITS SHALL BE PAYABLE TO SUCH INDIVIDUAL DURING HIS BENEFIT YEAR AS FOLLOWS:)

((1) WEEKLY BENEFIT AMOUNT SHALL BE EQUAL TO 60 PERCENT OF THE FIRST \$85, 40 PERCENT OF THE NEXT \$85 AND 50 PERCENT OF THE REMAINDER OF THE AVERAGE WEEKLY WAGE OF SUCH INDIVIDUAL. THE AMOUNT SO COMPUTED IF NOT A WHOLE DOLLAR SHALL BE ROUNDED DOWN TO THE NEXT LOWER DOLLAR AMOUNT.) (a) *To establish a benefit year for unemployment compensation insurance benefits, effective after October 1, 1986, an individual must have:*

(1) *wage credits in two or more calendar quarters of their base period; and*



(2) *minimum total base period wage credits equal to the high quarter wages multiplied by 1.25; and*

(3) *high quarter wage credits of not less than \$1,300.*

(b) *Effective July 1, 1986, an individual who is unable to establish a benefit year under paragraph (a) may establish a benefit year if the individual has base period wage credits in 30 or more weeks equaling at least 20 times the state minimum wage.*

(c) *If the commissioner finds that an individual has sufficient wages within the base period to establish a valid claim, the weekly benefit amount payable to the individual during the benefit year shall be equal to 1/26 of the individual's high quarter wage credits, rounded to the next lower whole dollar; except that, the maximum weekly benefit amount of claims for benefits which establish a benefit year subsequent to July 1, (1979) 1987 shall be (66-2/3) 60 percent of the average weekly wage, (EXCEPT AS PROVIDED IN CLAUSE (D)) as determined under this paragraph.*

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

((A)) (1) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

((B)) (2) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

((C)) (3) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

((D) THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1982, AND PRIOR TO JULY 1, 1983, SHALL BE \$184.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983, AND PRIOR TO JULY 1, 1984, SHALL BE \$191.)

(THE MAXIMUM WEEKLY BENEFIT AMOUNT FOR CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1984, AND PRIOR TO JULY 1, 1985, SHALL BE \$198.)

((2) AN INDIVIDUAL'S MAXIMUM AMOUNT OF REGULAR BENEFITS PAYABLE IN A BENEFIT YEAR SHALL NOT EXCEED THE LESSER OF (A) 26 TIMES HIS WEEKLY BENEFIT AMOUNT OR (B) 70 PERCENT OF THE NUMBER OF CREDIT WEEKS EARNED BY SUCH AN INDIVIDUAL COMPUTED TO THE NEAREST WHOLE WEEK TIMES HIS WEEKLY BENEFIT AMOUNT.)

*(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to one-third of his total base period wage credits rounded to the next lower dollar not to exceed 26 times his weekly benefit amount.*

((3)) *(e) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, (INCLUDING) excluding holiday pay, payable to him with respect to such week which is in excess of \$25 or \$200 for earnings from service in the national guard or a United States military reserve unit. Jury duty pay is not considered as earnings and shall not be deducted from benefits paid. Such benefit, if not a whole dollar amount shall be rounded down to the next lower dollar amount.*

((4) THE PROVISIONS OF CLAUSES (1) AND (2) SHALL APPLY TO CLAIMS FOR BENEFITS WHICH ESTABLISH A BENEFIT YEAR SUBSEQUENT TO JUNE 30, 1983.)

Sec. 11. Minnesota Statutes 1984, section 268.07, subdivision 2a, is amended to read:

Subd. 2a. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, if the commissioner finds that an individual has earned (CREDIT WEEKS) *wage credits* in seasonal employment, benefits shall be payable only if the commissioner finds that the individual has earned (15 CREDIT WEEKS) *wage credits equal to or in excess of 30 times the individual's weekly benefit amount* in employment which is not seasonal, in addition to any (CREDIT WEEKS) *wage credits* in seasonal employment. For the purposes of this subdivision, "seasonal employment" means employment with a single employer in the recreation or tourist industry which is available with the employer for 15 consecutive weeks or less each calendar year.

Sec. 12. Minnesota Statutes 1984, section 268.07, subdivision 3, is amended to read:

Subd. 3. [WHEN WAGE CREDITS ARE NOT AVAILABLE.] (1) (NO INDIVIDUAL MAY RECEIVE BENEFITS IN A BENEFIT YEAR UNLESS, SUBSEQUENT TO THE BEGINNING OF THE NEXT PRECEDING BENEFIT YEAR DURING WHICH BENEFITS WERE RECEIVED, THE INDIVIDUAL PERFORMED SERVICE IN INSURED WORK AS DEFINED IN SECTION 268.04, SUBDIVISION 17, AND EARNED REMUNERATION FOR THE SERVICE IN AN AMOUNT EQUAL TO NOT LESS THAN THE MINIMUM WAGE CREDITS REQUIRED TO QUALIFY FOR BENEFITS) *To establish a second benefit year following the expiration of an immediately preceding benefit year, an individual must have sufficient wage credits to establish a claim under the provisions of section 268.07 and must have performed services after the establishment of the expired benefit year. The services performed must have been in insured work and the wage credits from the services must equal not less than ten times the weekly benefit amount of the second benefit year.*

(2) No employer who provided 90 percent or more of the wage credits in a claimant's base period shall be charged for benefits based upon earnings of the claimant during a subsequent base period unless the employer has employed the claimant in any part of the subsequent base period.

(3) Wages paid by an employing unit may not be used for benefit purposes by any individual who (a) individually or jointly with a spouse, parent or child owns or controls directly or indirectly 25 percent or more interest in the employing unit; or (b) is the spouse, parent or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employing unit; and (c) is not permanently separated from employment.

This clause is effective when the individual has been paid four times the individual's weekly benefit amount in the current benefit year.

(4) Wages paid in seasonal employment, as defined in subdivision 2a, are not available for benefit purposes during weeks in which there is no seasonal employment available with the employer.

Sec. 13. Minnesota Statutes 1985 Supplement, section 268.08, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that the individual:

(1) has registered for work at and thereafter has continued to report to an employment office, or agent of the office, in ac-

cordance with rules the commissioner may adopt; except that the commissioner may by rule waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which the commissioner finds that compliance with the requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) has made a claim for benefits in accordance with rules as the commissioner may adopt;

(3) was able to work and was available for work, and was actively seeking work. The individual's weekly benefit amount shall be reduced one-fifth for each day the individual is unable to work or is unavailable for work. Benefits shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner or in training approved pursuant to section 236 of the Trade Act of 1974, as amended.

An individual is deemed unavailable for work with respect to any week which occurs in a period when the individual is a full-time student in attendance at, or on vacation from an established school, college or university unless a majority of the (CREDIT WEEKS) *wage credits* earned in the base period were for services performed during weeks in which the student was attending school as a full-time student. *If the individual's claim for benefits is valid by application of section 268.07, subdivision 2, paragraph b, the individual shall be considered unavailable for work with respect to any week which occurs when the individual is a full-time high school student.*

An individual serving as a juror shall be considered as available for work and actively seeking work on each day the individual is on jury duty; and

(4) has been unemployed for a waiting period of one week during which the individual is otherwise eligible for benefits under sections 268.03 to 268.24. However, payment for the waiting week shall be made to the individual after the individual has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of the individual's return to employment. No individual is required to serve a waiting period of more than one week within the one-year period subsequent to filing a valid claim and commencing with the week within which the valid claim was filed.

Sec. 14. Minnesota Statutes 1984, section 263.09, is amended by adding a subdivision to read:

*Subd. 2a. An individual whose claim for benefits is valid by application of section 268.07, subdivision 2, paragraph b, and is disqualified for benefits under subdivisions 1 and 2 of this sec-*

*tion, other than for gross misconduct, shall be disqualified for waiting week credit and benefits. The disqualification shall continue until four calendar weeks have elapsed following the separation or refusal of suitable work or reemployment and until the individual has worked for a minimum of 20 hours in each of four calendar weeks.*

Sec. 15. Minnesota Statutes 1984, section 268.10, subdivision 1, is amended to read:

Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within seven days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish the reason for separation from all employers in his base period.

(2) (UPON THE FILING, BY AN INDIVIDUAL, OF A CLAIM FOR BENEFITS, THE COMMISSIONER SHALL GIVE NOTICE TO ALL SUCH BASE PERIOD EMPLOYERS OF THE FILING OF SUCH CLAIM AND REQUEST EACH SUCH BASE PERIOD EMPLOYER, WITHIN SEVEN DAYS AFTER THE MAILING OF SUCH NOTICE, TO FURNISH THE FOLLOWING INFORMATION:)

((A) THE TOTAL WAGE CREDITS EARNED IN THE BASE PERIOD;)

((B) THE NUMBER OF CREDIT WEEKS WHICH END WITHIN THE BASE PERIOD;)

((C) THE WEEK ENDING DATES FOR EACH CALENDAR WEEK WITHIN THE BASE PERIOD IN WHICH THE INDIVIDUAL EARNED LESS THAN THE AMOUNT REQUIRED TO MAKE A CREDIT WEEK AND THE AMOUNT OF EARNINGS IN EACH SUCH WEEK;)

((D) THE REASON FOR THE SEPARATION OR SEPARATIONS OF SUCH INDIVIDUAL FROM THE EMPLOY OF THE EMPLOYER IN THE BASE PERIOD; AND)

((E) SUCH EMPLOYER'S PROTEST, IF ANY, RELATING TO THE INELIGIBILITY OR DISQUALIFICATION OF SUCH INDIVIDUAL) *Upon establishment of a benefit year, the commissioner shall give notice to the last employer for whom the individual worked and all base period employers. The employer so notified shall have seven days after the mailing of the notice to file a protest to charges or raise an issue of ineligibility or disqualification.*

(3) (IF ANY BASE PERIOD EMPLOYER, AFTER THE NOTICE OF FILING OF A CLAIM AND THE REQUEST FOR WAGE AND SEPARATION INFORMATION HAS BEEN DULY MAILED TO HIS LAST KNOWN ADDRESS, FAILS TO FILE INFORMATION AS PROVIDED BY ITEMS (A) THROUGH (E) OF CLAUSE 2 OF THIS SUBDIVISION WITHIN SEVEN DAYS, THE COMMISSIONER SHALL:)

((A) DETERMINE THE VALIDITY OF AN INDIVIDUAL'S CLAIM BASED ON THE CLAIMANT'S STATEMENTS OR ANY OTHER AVAILABLE INFORMATION. AN EMPLOYER SHALL BE LIABLE FOR A LATE FILING FEE OF NOT LESS THAN \$5 NOR MORE THAN \$25, AS THE COMMISSIONER MAY DETERMINE, TO BE PAID TO THE DEPARTMENT OF ECONOMIC SECURITY AND CREDITED TO THE CONTINGENT FUND IF HE HAS FAILED WITHOUT GOOD CAUSE TO SUBMIT THE WAGE AND SEPARATION INFORMATION AS REQUIRED IN CLAUSE 2 OF THIS SUBDIVISION WITHIN SEVEN DAYS AFTER THE REQUEST HAS BEEN DULY MAILED TO HIS LAST KNOWN ADDRESS) *If, upon review of the wage information on file with the department it is found that an employer failed to provide wage information for the claimant, the commissioner shall accept a claimant's certification as to the wages earned, based upon the claimant's records, and issue a monetary determination of validity based upon the certification. The employer who failed to report the individual's wages or filed an erroneous report shall be penalized in accordance with section 268.16 or 268.18. In the absence of fraud, if a redetermination of validity of claim based on an employer's late or erroneous report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination* (; AND)

((B)). *The commissioner shall determine any issue of disqualification raised by clause (1) or by an employer's late report. If an employer fails to file a separation notice within the time limits prescribed in clause (1), any relief from benefit*

charges provided by section 268.09, subdivision 1, clause (4), shall apply to weeks of unemployment beginning after the filing of the late report.

Sec. 16. Minnesota Statutes 1984, section 268.10, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF CLAIMS; DETERMINATION; APPEAL.] (1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and this determination shall be known as the determination of validity. Notice of the determination of validity or any redetermination as provided for in clause (4) shall be promptly given the claimant and all other interested parties. (IF WITHIN THE TIME LIMITS FOR FILING A PROTEST AN EMPLOYER NOTIFIES THE DEPARTMENT THAT AN INDIVIDUAL'S WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 268.07 EXCEEDS THE INDIVIDUAL'S WEEKLY WAGES EARNED WITH THE EMPLOYER, THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT SHALL BE THE LESSER OF (1) THE WEEKLY BENEFIT AMOUNT AS DETERMINED UNDER SECTION 268.07, OR (2) THE WEEKLY BENEFIT AMOUNT WHICH IS 50 PERCENT OF THE QUOTIENT DERIVED BY DIVIDING THE TOTAL WAGE CREDITS EARNED IN THE INDIVIDUAL'S BASE PERIOD CREDIT WEEKS FROM ALL EMPLOYERS IN INSURED WORK BY THE NUMBER OF BASE PERIOD CREDIT WEEKS.) If within the time specified for the filing of (WAGE AND SEPARATION INFORMATION) as provided in subdivision 1, clause (2), the employer makes an allegation of disqualification or raises an issue of the chargeability to his account of benefits that may be paid on such claim, if the claim is valid, the issue thereby raised shall be promptly determined by said official and a notification of the determination delivered or mailed to the claimant and the employer. If an initial determination or an appeal tribunal decision or the commissioner's decision awards benefits, the benefits shall be paid promptly regardless of the pendency of any appeal period or any appeal or other proceeding which may thereafter be taken. Except as provided in clause (6), if an appeal tribunal decision modifies or reverses an initial determination awarding benefits, or if a commissioner's decision modifies or reverses an appeal decision awarding benefits, any benefits paid under the award of such initial determination or appeal tribunal decision shall be deemed erroneous payments.

(2) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, an official

of the department or any interested party or parties raises an issue of claimant's eligibility for benefits for any week or weeks in accordance with the requirements of the provisions of sections 268.03 to 268.24 or any official of the department or any interested party or parties or benefit year employer raises an issue of disqualification in accordance with the regulations of the commissioner, a determination shall be made thereon and a written notice thereof shall be given to the claimant and such other interested party or parties or benefit year employer. A determination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(3) A determination issued pursuant to clauses (1) and (2) shall be final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice. Every notice of determination shall contain a prominent statement indicating in clear language the method of appealing the determination, the time within which such an appeal must be made, and the consequences of not appealing the determination. A timely appeal from a determination of validity in which the issue is whether an employing unit is an employer within the meaning of this chapter or whether services performed for an employer constitute employment within the meaning of this chapter shall be subject to the provisions of section 268.12, subdivision 13.

(4) At any time within 24 months from the date of the filing of a valid claim for benefits by an individual, the commissioner on his own motion may reconsider a determination of validity made thereon and make a redetermination thereof if he finds that an error in computation or identity or the crediting of wage credits has occurred in connection therewith or if the determination was made as a result of a nondisclosure or misrepresentation of a material fact. A determination or redetermination issued under this clause which denies benefits for weeks for which the claimant has previously been paid benefits is an overpayment of those benefits subject to section 268.18.

(5) However, the commissioner may in his discretion refer any disputed claims directly to a referee for hearing and determination in accordance with the procedure outlined in subdivision 3 and the effect and status of such determination in such a case shall be the same as though the matter had been determined upon an appeal to the tribunal from an initial determination.

(6) If a referee's decision affirms an initial determination awarding benefits or the commissioner affirms an appeal tribunal decision awarding benefits, the decision, if finally reversed, shall not result in a disqualification and benefits paid shall neither be deemed overpaid nor shall they be considered in



determining any individual employer's future contribution rate under section 268.06.

Sec. 17. Minnesota Statutes 1984, section 268.12, subdivision 8, is amended to read:

Subd. 8. [RECORDS; REPORTS.] (1) Each employing unit shall keep true and accurate work records for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection, audit, and verification, and be subject to being copied by any authorized representative of the commissioner at any reasonable time and as often as may be necessary. The commissioner, appeal referee, or any other duly authorized representative of the commissioner, may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commissioner, appeal referee, or any other duly authorized representative of the commissioner deems necessary for the effective administration of sections 268.03 to 268.24 (, PROVIDED THAT QUARTERLY CONTRIBUTION AND WAGE REPORT FORMS SHALL INCLUDE THE EMPLOYEE'S NAME, SOCIAL SECURITY NUMBER, AND TOTAL WAGES PAID TO THE EMPLOYEE).

(2) The commissioner may cause to be made such summaries, compilations, photographs, duplications, or reproductions of any records, reports, or transcripts thereof as he may deem advisable for the effective and economical preservation of the information contained therein, and such summaries, compilations, photographs, duplications or reproductions, duly authenticated, shall be admissible in any proceeding under sections 268.03 to 268.24, if the original record or records would have been admissible therein. Notwithstanding any restrictions contained in section 16B.50, except restrictions as to quantity, the commissioner is hereby authorized to duplicate, on equipment furnished by the federal government or purchased with funds furnished for that purpose by the federal government, records, reports, summaries, compilations, instructions, determinations, or any other written matter pertaining to the administration of the Minnesota economic security law.

(3) Notwithstanding any inconsistent provisions elsewhere, the commissioner may provide for the destruction or disposition of any records, reports, transcripts, or reproductions thereof, or other papers in his custody, which are more than two years old, the preservation of which is no longer necessary for the establishment of contribution liability or benefit rights or for any purpose necessary to the proper administration of sections 268.03 to 268.24, including any required audit thereof, provided, that the commissioner may provide for the destruction or disposition of any record, report, or transcript, or other paper in his custody which has been photographed, duplicated, or reproduced in the manner provided in clause (2).

(4) Notwithstanding the provisions of the Minnesota State Archives Act the commissioner shall with the approval of the legislative auditor destroy all benefit checks and benefit check authorization cards that are more than two years old and no person shall make any demand, bring any suit or other proceeding to recover from the state of Minnesota any sum alleged to be due him on any claim for benefits after the expiration of two years from the date of filing such claim.

Sec. 18. Minnesota Statutes 1984, section 268.121, is amended to read:

**268.121 [WAGE REPORTING.]**

Beginning on April 1, 1984, each employer subject to this chapter shall provide the commissioner with a quarterly report of the wages (, AS DEFINED IN SECTION 268.04, SUBDIVISION 25,) paid to each employee of that employer covered by this chapter. (THE COMMISSIONER SHALL PROVIDE THE LEGISLATURE WITH HIS RECOMMENDATIONS FOR STATUTORY CHANGES TO FULLY IMPLEMENT THIS SECTION NO LATER THAN JANUARY 1, 1983.) *The report must include the employee's name, social security number, and total wages paid to the employee. For the purpose of this section, "wages paid" includes wages actually or constructively paid and wages overdue and delayed beyond the usual time of payment.*

Sec. 19. Minnesota Statutes 1984, section 268.15, subdivision 3, is amended to read:

Subd. 3. [CONTINGENT ACCOUNT.] There is hereby created in the state treasury a special account, to be known as the economic security contingent account, which shall not lapse nor revert to any other fund. Such account shall consist of all moneys appropriated therefor by the legislature, all moneys in the form of interest and penalties collected pursuant to (SECTION) sections 268.16 and 268.18, and all moneys received in the form of voluntary contributions to this account and interest thereon. All moneys in such account shall be supplemental to all federal moneys that would be available to the commissioner but for the existence of this account. Moneys in this account are hereby appropriated to the commissioner and shall be expended in accordance with the provisions of section 3.30, in connection with the administration of sections 268.03 to 268.24. *Commencing with the fiscal year beginning July 1, 1985, the commissioner is authorized to expend annually, in addition to any federal moneys and without reference to section 3.30, the sum of \$500,000, from available moneys in this fund which are derived from interest and penalties collected pursuant to sections 268.16 and 268.18 and moneys received in the form of voluntary payments and interest thereon, for the purpose of providing for: (1) the investigation of fraud on the part of any person in claiming or obtaining benefits under sections 268.03 to 268.24 or fraud on*

*the part of any employer in attempting to avoid or reduce any contribution or other payment required from an employing unit under those sections; (2) determination of benefit overpayments and contribution underpayments for reasons other than fraud; (3) recovery of moneys due to the commissioner as a result of clauses (1) and (2); (4) the verification of work search efforts especially in areas with robust economies; and (5) those special services which are reasonably directed toward assisting the unemployed in returning to suitable work. Whenever the commissioner expends moneys from said contingent account for the proper and efficient administration of the Minnesota economic security law for which funds have not yet been made available by the federal government, such moneys so withdrawn from the contingent account shall be replaced as hereinafter provided. Upon the deposit in the economic security administration fund of moneys which are received in reimbursement of payments made as above provided for said contingent account, the commissioner shall certify to the state treasurer the amount of such reimbursement and thereupon the state treasurer shall transfer such amount from the economic security administration fund to said contingent account. All moneys in this account shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for the other special accounts in the state treasury. The state treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the economic security contingent account provided for herein. Notwithstanding anything to the contrary contained herein, on June 30 of each year, except 1982, all amounts in excess of \$300,000 in this account shall be paid over to the unemployment compensation fund established under section 268.05 and administered in accordance with the provisions set forth therein.*

Sec. 20. Minnesota Statutes 1984, section 268.16, subdivision 2, is amended to read:

Subd. 2. [REPORTS; DELINQUENCIES; PENALTIES.]  
((1)) (a) Any employer who knowingly fails to make and submit to the department of economic security any *contribution report (OF WAGES PAID BY OR DUE FROM HIM FOR INSURED WORK IN THE MANNER AND)* at the time (SUCH) *the report is required by (REGULATIONS) rules* prescribed by the commissioner shall pay to the department of economic security for the contingent account a penalty in the amount of one and one-half percent of contributions accrued during the period for which (SUCH) *the report is required*, for each month from and after (SUCH) *the due date* until (SUCH) *the report is properly made and submitted to the department of economic security*. In no case shall the amount of the penalty imposed hereby be less than \$5 per month. The maximum penalty imposed hereby shall be \$25 or the amount determined at the rate of 1-1/2 percent per month, whichever is greater. (ANY EMPLOYING UNIT WHICH FAILS TO MAKE AND SUBMIT

TO THE COMMISSIONER ANY REPORT, OTHER THAN ONE OF WAGES PAID OR PAYABLE FOR INSURED WORK, AS AND WHEN REQUIRED BY THE REGULATIONS OF THE COMMISSIONER, SHALL BE SUBJECT TO A PENALTY IN THE SUM OF \$10 PAYABLE TO THE DEPARTMENT OF ECONOMIC SECURITY FOR THE CONTINGENT ACCOUNT. ALL SUCH PENALTIES SHALL BE IN ADDITION TO INTEREST AND ANY OTHER PENALTIES PROVIDED FOR BY SECTIONS 268.03 TO 268.24 AND SHALL BE COLLECTED AS PROVIDED BY SECTION 268.161.)

(2)) (b) If any employing unit required by sections 268.03 to 268.24 to make and submit contribution reports shall fail to do so within the time prescribed by these sections or by regulations under the authority thereof, or shall make, willfully or otherwise, an incorrect, false or fraudulent contribution report, he shall, on the written demand of the commissioner, make such contribution report, or corrected report, within ten days after the mailing of such written demand and at the same time pay the whole contribution, or additional contribution, due on the basis thereof. If such employer shall fail within that time to make such report, or corrected report, the commissioner shall make for him a report, or corrected report, from his own knowledge and from such information as he can obtain through testimony, or otherwise, and assess a contribution on the basis thereof, which contribution, plus penalties and interest which thereafter accrued (less any payments theretofore made) shall be paid within ten days after the commissioner has mailed to such employer a written notice of the amount thereof and demand for its payment. Any such contribution report or assessment made by the commissioner on account of the failure of the employer to make a report or corrected report shall be prima facie correct and valid, and the employer shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Whenever such delinquent employer shall file a report or corrected report, the commissioner may, if he finds it substantially correct, substitute it for the commissioner's report.

(c) *Any employer who fails to file the wage detail report required by section 268.121 shall pay to the department of jobs and training for the contingent account a penalty of one-tenth of one percent of total wages paid and wages due but not paid during the period for each month the report is delinquent. The penalty shall not be assessed if the wage detail report is properly made and filed within 30 days after a demand for the report is mailed to the employer's address of record. In no case shall the amount of the penalty, if assessed, be less than \$25. Penalties due under this subdivision may be waived where good cause for late filing is found by the commissioner.*

(d) *Any employer who files the wage detail report required by section 268.121 but knowingly fails to include any of the re-*

*quired information or knowingly enters erroneous information shall be subject to a penalty of \$25 for each individual for whom the information is missing or erroneous.*

*(e) Any employing unit which fails to make and submit to the commissioner any report, other than a contribution report or wage detail report, as and when required by rule, shall be subject to a penalty in the sum of \$25 payable to the department of economic security for the contingent account.*

*(f) Penalties provided for in paragraphs (a), (c), (d) and (e) shall be in addition to interest and any other penalties imposed by sections 268.03 to 268.24 and shall be collected as provided by section 268.161.*

**Sec. 21.** Minnesota Statutes 1984, section 268.16, is amended by adding a subdivision to read:

*Subd. 3a. [COSTS.] Any employing unit which fails to make and submit reports or pay any contributions or reimbursement when due shall be liable to the department for any recording fees, sheriff fees, or litigation costs incurred in the collection of the amounts due or obtaining the reports.*

*If any check or money order, in payment of any amount due under this chapter, is not honored when presented for payment, the employing unit will be assessed a fee of \$20 which shall be in addition to any other fees provided by this chapter. The fee shall be assessed regardless of the amount of the check or money order or the reason for non-payment with the exception of processing errors made by a financial institution.*

*Costs due under this subdivision shall be paid to the department and credited to the employment services administration fund.*

**Sec. 22. [REPEALER.]**

*Minnesota Statutes 1984, section 268.04, subdivisions 29 and 30 are repealed.*

**Sec. 23. [EFFECTIVE DATES.]**

*Sections 1, 2, 3, 6, 10, 11, 12, 13, 14, 15, 16, 17, and 22 are effective October 1, 1986, for benefit years subsequent to September 30, 1986."*

Further, delete the title and insert:

*"A bill for an act relating to unemployment compensation; regulating the payment, amount, and eligibility for benefits; setting employer contribution rates; making administrative changes; providing a penalty; amending Minnesota Statutes*

1984, sections 268.04, subdivisions 2, 4, 24, and by adding subdivisions; 268.06, subdivisions 2, 3a, and 8; 268.07, subdivisions 2, 2a, and 3; 268.09, by adding a subdivision; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2, and by adding a subdivision; Minnesota Statutes 1985 Supplement, section 268.08, subdivision 1; repealing Minnesota Statutes 1984, section 268.04, subdivisions 29 and 30."

A roll call was requested and properly seconded.

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

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

There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

|              |            |                |            |           |
|--------------|------------|----------------|------------|-----------|
| Anderson, G. | Knuth      | Munger         | Peterson   | Skoglund  |
| Beard        | Kostohryz  | Murphy         | Piper      | Solberg   |
| Brandl       | Krueger    | Nelson, D.     | Price      | Sparby    |
| Brown        | Lieder     | Nelson, K.     | Quinn      | Tomlinson |
| Carlson, L.  | Long       | Neuenschwander | Rest       | Tunheim   |
| Clark        | McDonald   | Norton         | Riveness   | Vanasek   |
| Cohen        | McEachern  | O'Connor       | Rodosovich | Vellenga  |
| Ellingson    | McLaughlin | Ogren          | Sarna      | Wenzel    |
| Jennings, L. | Metzen     | Otis           | Segal      | Wynia     |
| Kahn         | Minne      | Pappas         | Simoneau   |           |

Those who voted in the negative were:

|              |              |               |             |                   |
|--------------|--------------|---------------|-------------|-------------------|
| Anderson, R. | DenOuden     | Haukoos       | Onnen       | Sherman           |
| Backlund     | Dimler       | Heap          | Osthoff     | Stanius           |
| Battaglia    | Dyke         | Himle         | Ozment      | Staten            |
| Becklin      | Eloff        | Jacobs        | Pauly       | Svigum            |
| Begich       | Erickson     | Johnson       | Piepho      | Thiede            |
| Bennett      | Fjoslien     | Kalis         | Poppenhagen | Thorson           |
| Bishop       | Forsythe     | Kiffmeyer     | Quist       | Tjornhom          |
| Blatz        | Frederick    | Knickerbocker | Redalen     | Tompkins          |
| Boerboom     | Frederickson | Kvam          | Rees        | Uphus             |
| Boo          | Frerichs     | Levi          | Rice        | Valan             |
| Brinkman     | Greenfield   | Marsh         | Richter     | Valento           |
| Burger       | Gruenes      | McKasy        | Rose        | Voss              |
| Carlson, D.  | Gutknecht    | McPherson     | Schafer     | Waltman           |
| Carlson, J.  | Halberg      | Miller        | Schreiber   | Welle             |
| Clausnitzer  | Hartinger    | Olsen, S.     | Seaberg     | Zaffke            |
| Dempsey      | Hartle       | Omann         | Shaver      | Spk. Jennings, D. |

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

Beard moved to amend H. F. No. 1847, as follows:

Page 10, line 13, after "years" insert "and notification from the employer at least six months prior to any scheduled layoff,

*of such layoff or, upon hiring for individuals hired less than six months prior to the scheduled layoff"*

A roll call was requested and properly seconded.

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

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

There were 36 yeas and 84 nays as follows:

Those who voted in the affirmative were:

|             |            |            |          |          |
|-------------|------------|------------|----------|----------|
| Battaglia   | Greenfield | Munger     | Otis     | Sarna    |
| Beard       | Jacobs     | Murphy     | Pappas   | Simoneau |
| Begich      | Jaros      | Nelson, D. | Piper    | Solberg  |
| Carlson, L. | Kahn       | Norton     | Price    | Staten   |
| Clark       | Kostohryz  | O'Connor   | Rest     | Voss     |
| Cohen       | McLaughlin | Ogren      | Rice     | Wenzel   |
| Elioff      | Minne      | Osthoff    | Riveness | Wynia    |
| Ellingson   |            |            |          |          |

Those who voted in the negative were:

|              |              |                |             |                   |
|--------------|--------------|----------------|-------------|-------------------|
| Anderson, G. | Dimler       | Johnson        | Ozment      | Sparby            |
| Anderson, R. | Dyke         | Kalis          | Pauly       | Stanis            |
| Backlund     | Erickson     | Kiffmeyer      | Peterson    | Svigum            |
| Becklin      | Fjoslien     | Knickerbocker  | Piepho      | Thiede            |
| Bennett      | Forsythe     | Knuth          | Poppenhagen | Thorson           |
| Bishop       | Frederick    | Krueger        | Quist       | Tjornhom          |
| Blatz        | Frederickson | Kvam           | Redalen     | Tompkins          |
| Boerboom     | Frerichs     | Levi           | Rees        | Tunheim           |
| Boo          | Gruenes      | Marsh          | Richter     | Uphus             |
| Brinkman     | Gutknecht    | McDonald       | Rodosovich  | Valan             |
| Brown        | Halberg      | McKasy         | Rose        | Valento           |
| Burger       | Hartinger    | McPherson      | Schafer     | Vanasek           |
| Carlson, D.  | Hartle       | Miller         | Schreiber   | Waltman           |
| Carlson, J.  | Haukoos      | Neuenschwander | Seaberg     | Welle             |
| Clausnitzer  | Heap         | Olsen, S.      | Shaver      | Zaffke            |
| Dempsey      | Himle        | Omman          | Sherman     | Spk. Jennings, D. |
| DenOuden     | Jennings, L. | Onnen          | Skoglund    |                   |

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

Beard moved to amend H. F. No. 1847, as follows:

Page 13, line 29, before the semicolon insert "*For purposes of this subdivision, severance payment does not include severance payment that is provided as a direct result of a collective bargaining agreement negotiated prior to the severance*"

A roll call was requested and properly seconded.

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

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

There were 59 yeas and 68 nays as follows :

Those who voted in the affirmative were :

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

Those who voted in the negative were :

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

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

Begich, Rice and Elioff moved to amend H. F. No. 1847, as follows :

Page 8, line 5, delete "20" and reinstate "15"

A roll call was requested and properly seconded.

The question was taken on the Begich et al., amendment and the roll was called.

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

There were 57 yeas and 67 nays as follows :



Those who voted in the affirmative were :

|              |              |                |            |           |
|--------------|--------------|----------------|------------|-----------|
| Anderson, G. | Ellingson    | McEachern      | Osthoff    | Segal     |
| Anderson, R. | Greenfield   | McLaughlin     | Otis       | Simoneau  |
| Battaglia    | Jacobs       | Metzen         | Pappas     | Skoglund  |
| Beard        | Jaros        | Minne          | Peterson   | Solberg   |
| Begich       | Jennings, L. | Munger         | Piper      | Sparby    |
| Boo          | Kahn         | Murphy         | Price      | Tomlinson |
| Brandl       | Kelly        | Nelson, K.     | Quinn      | Tunheim   |
| Brown        | Knuth        | Neuenschwander | Rest       | Voss      |
| Carlson, L.  | Kostohryz    | Norton         | Rice       | Welle     |
| Clark        | Krueger      | O'Connor       | Rodosovich | Wenzel    |
| Cohen        | Lieder       | Ogren          | Sarna      | Wynia     |
| Elioff       | Long         |                |            |           |

Those who voted in the negative were :

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

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

Begich, Rice and Elioff moved to amend H. F. No. 1847, as follows:

Pages 9 and 10, delete section 7

Renumber subsequent sections

Correct all internal cross references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on Begich et al., amendment and the roll was called.

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

There were 54 yeas and 71 nays as follows :

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Ogren moved to amend H. F. No. 1847, as follows:

Page 12, after line 5, insert:

**"Sec. 9. [268.074] [ADDITIONAL UNEMPLOYMENT COMPENSATION BENEFITS.]**

*Subdivision 1. [WHEN AVAILABLE.] Additional unemployment benefits provided for in this section shall be authorized under the following conditions:*

(a) *The commissioner has determined that an employer has reduced operations at an establishment which has resulted in the reduction of at least 50 percent of the employer's work force at the establishment and the lay-off of at least 50 employees; and*

(b) *The employer does not intend to resume operations which would lead to the reemployment of those employees at any time in the future; and*

(c) *The commissioner has determined that the unemployment rate for the county in which the establishment is located*

*was ten percent during the month of the reduction or during any of the three months preceding or succeeding the reduction.*

*Upon the determination of the commissioner of such a reduction in work force those persons unemployed as a result shall be eligible for additional unemployment benefits in accordance with this section.*

**Subd. 2. [PAYMENT OF BENEFITS.]** *All benefits payable under this section shall be payable from the fund.*

**Subd. 3. [ELIGIBILITY CONDITIONS.]** *An individual shall be eligible to receive additional benefits provided under this section for any week during the individual's benefit year if the commissioner finds:*

*(1) the unemployment is the result of a reduction in work force as determined by the commissioner under subdivision 1;*

*(2) the individual is unemployed and meets the eligibility requirements for the receipt of unemployment benefits under section 268.08;*

*(3) the individual is not subject to a disqualification for unemployment benefits under section 268.09. For the purpose of this section the disqualifying conditions set forth in section 268.09, and the requirements which must be met to remove such a disqualification shall apply to the receipt of additional benefits under this section;*

*(4) the individual has exhausted all rights to regular unemployment benefits payable under section 268.07, is not entitled to receive extended benefits under section 268.071, and is not entitled to receive unemployment benefits under any other state or federal laws for the week in which the individual claims additional unemployment benefits;*

*(5) the individual has made a claim for additional benefits with respect to such week in accordance with the rules as the commissioner may prescribe with respect to claims for normal unemployment benefits;*

*(6) the individual earned at least 26 credit weeks during the individual's base period in employment with an employer for whom the commissioner has determined there was a reduction in work force under subdivision 1.*

**Subd. 4. [WEEKLY BENEFIT AMOUNT.]** *A claimant's weekly benefit amount under this section is the same as the claimant's weekly benefit amount payable during the claimant's current benefit year under section 268.08.*

**Subd. 5. [MAXIMUM BENEFITS PAYABLE.]** *An individual's maximum amount of additional benefits payable in the*

*benefit year shall be 25 percent of the number of credit weeks earned by the individual in the employ of an employer for whom the commissioner has determined there was a reduction in work force under subdivision 1, computed to the nearest whole week, times the individual's weekly benefit amount. Unemployment benefits paid to an individual under any state or federal law other than regular unemployment benefits payable under section 268.07, shall be deductible from that individual's maximum amount of additional benefits."*

Page 19, line 25, delete "9" and insert "10"

Page 19, line 26, delete "12" and insert "13"

Page 19, after line 28, insert:

*"The additional benefits provided for in section 9 shall be payable to any claimant whose unemployment is the result of a reduction in work force under section 9, subdivision 1, which has occurred during calendar year 1985 or thereafter if the claimant has filed a claim for additional benefits which is effective January 1, 1986, or thereafter."*

Renumber the sections in order

A roll call was requested and properly seconded.

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

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

There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|              |         |          |             |          |
|--------------|---------|----------|-------------|----------|
| Anderson, R. | Bennett | Boerboom | Burger      | Dempsey  |
| Backlund     | Bishop  | Boo      | Carlson, J. | DenOuden |
| Becklin      | Blatz   | Brinkman | Clausnitzer | Dimler   |

|              |               |             |           |                   |
|--------------|---------------|-------------|-----------|-------------------|
| Erickson     | Haukoos       | McKasy      | Quist     | Sviggum           |
| Fjoslien     | Heap          | McPherson   | Redalen   | Thiede            |
| Forsythe     | Himle         | Metzen      | Rees      | Thorson           |
| Frederick    | Johnson       | Miller      | Richter   | Tjornhom          |
| Frederickson | Kalis         | Olsen, S.   | Rose      | Tompkins          |
| Frerichs     | Kiffmeyer     | Omann       | Schafer   | Uphus             |
| Gruenes      | Knickerbocker | Onnen       | Schreiber | Valan             |
| Gutknecht    | Kvam          | Ozment      | Seaberg   | Valento           |
| Halberg      | Levi          | Pauly       | Shaver    | Waltman           |
| Hartinger    | Marsh         | Piepho      | Sherman   | Zaffke            |
| Hartle       | McDonald      | Poppenhagen | Stanius   | Spk. Jennings, D. |

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

Welle, Krueger, Lieder, Peterson, Sparby, Brown, Rodosovich, Neuenschwander and Anderson, G., moved to amend H. F. No. 1847, as follows:

Page 5, after line 25, insert:

"Sec. 4. Minnesota Statutes 1984, section 268.06, subdivision 2, is amended to read:

Subd. 2. [RATES.] Each employer shall pay contributions equal to two and seven-tenths percent for each calendar year prior to 1985 and 5-4/10 percent for 1985 and each subsequent calendar year of wages paid and wages overdue and delayed beyond the usual time of payment from him with respect to employment occurring during each calendar year, except as may be otherwise prescribed in subdivisions 3a and 4. (EACH EMPLOYER WHO HAS AN EXPERIENCE RATIO OF LESS THAN ONE-TENTH OF ONE PERCENT SHALL PAY CONTRIBUTIONS ON ONLY THE FIRST \$8,000 IN WAGES PAID AND WAGES OVERDUE AND DELAYED BEYOND THE USUAL TIME OF PAYMENT TO EACH EMPLOYEE WITH RESPECT TO EMPLOYMENT OCCURRING DURING EACH CALENDAR YEAR.)"

Page 7, strike lines 10 to 24 and insert:

*"The minimum rate for all employers shall be six-tenths of one percent for the year beginning July 1, 1986; four-tenths of one percent for the year beginning July 1, 1987; and two-tenths of one percent thereafter."*

Page 8, after line 1, insert:

"Sec. 7. Minnesota Statutes 1984, section 268.06, subdivision 24, is amended to read:

Subd. 24. [REASSIGNMENT.] Notwithstanding any inconsistent provisions of law any employer who has been assigned a contribution rate pursuant to subdivisions 4, 6, and 8 of this sec-

*tion and when all or a part of the benefits charged to the employers account are for the unemployment of 75 percent or more of the employees in the employers unit and the unemployment is caused by damages to the unit by fire, flood, wind, or other act of God, may, for the calendar year 1967, or any calendar year thereafter, upon the voluntary payment of an amount equivalent to any portion or all of the benefits charged to his account during the period ending June 30 of the preceding year used for the purpose of computing an employer's experience ratio as authorized by said subdivisions 4, 6, and 8, obtain a cancellation of benefits charged to his account during such period equal to such payment so voluntarily made. Upon the payment of such voluntary contribution, (PLUS A SURCHARGE OF 25 PERCENT OF SUCH BENEFIT CHARGED,) within the applicable period prescribed by the provisions of this subdivision, the commissioner shall cancel the benefits equal to such payment, (EXCLUDING THE 25 PERCENT SURCHARGE,) so voluntarily made and compute a new experience ratio for such employer. The employer then shall be assigned the contribution rate applicable to the category within which his recomputed experience ratio is included. Such voluntary payments may be made only during the 30-day period immediately following the date of mailing to the employer of the notice of his contribution rate as prescribed in this section; provided that the commissioner may extend this period if he finds that the employer's failure to make such payment within such 30-day period was for good cause; and provided further that notwithstanding any of the foregoing provisions of this subdivision, in no event shall any new experience ratio be computed for any employer or his contribution rate be reduced as a result of any such voluntary payment which he made after the expiration of the 120-day period commencing with the first day of the calendar year for which such rate is effective. Any adjustments under this subdivision shall be used only in the form of credits against accrued or future contributions.*

**(WHEN ALL OR A PART OF THE BENEFITS CHARGED TO AN EMPLOYER'S ACCOUNT ARE FOR THE UNEMPLOYMENT OF 75 PERCENT OR MORE OF THE EMPLOYEES IN AN EMPLOYING UNIT AND THE UNEMPLOYMENT IS CAUSED BY DAMAGES TO THE UNIT BY FIRE, FLOOD, WIND OR OTHER ACT OF GOD, THE EMPLOYER MAY OBTAIN A CANCELLATION OF BENEFITS INCURRED BECAUSE OF THAT UNEMPLOYMENT IN THE MANNER PROVIDED BY THIS SUBDIVISION WITHOUT BEING SUBJECT TO THE SURCHARGE OF 25 PERCENT OTHERWISE REQUIRED.)"**

Page 19, line 25, delete "6" and insert "8" and delete "7" and insert "9" and delete "9" and insert "11"

Page 19, line 26, delete "12" and insert "14" and delete "8" and insert "10"

Page 19, line 27, delete "7" and insert "9"

Renumber the sections in order

Amend the title as follows:

Page 1, line 20, before "5" insert "2,"

Page 1, line 21, delete "and 20" and insert "20, and 24"

A roll call was requested and properly seconded.

The question was taken on the Welle et al., amendment and the roll was called.

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

There were 61 yeas and 68 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|             |              |               |             |                   |
|-------------|--------------|---------------|-------------|-------------------|
| Backlund    | Fjoslien     | Johnson       | Piepho      | Stanius           |
| Bennett     | Forsythe     | Kiffmeyer     | Poppenhagen | Sviggum           |
| Bishop      | Frederick    | Knickerbocker | Quist       | Thiede            |
| Blatz       | Frederickson | Kvam          | Redalen     | Thorson           |
| Boerboom    | Frerichs     | Levi          | Rees        | Tjornhom          |
| Boo         | Gruenes      | Marsh         | Richter     | Tompkins          |
| Burger      | Gutknecht    | McDonald      | Riveness    | Uphus             |
| Carlson, J. | Halberg      | McKasy        | Rose        | Valan             |
| Clausnitzer | Hartinger    | McPherson     | Sarna       | Valento           |
| Dempsey     | Hartle       | Miller        | Schafer     | Waltman           |
| DenOuden    | Haukoos      | O'Connor      | Schreiber   | Zaffke            |
| Dimler      | Heap         | Olsen, S.     | Seaberg     | Spk. Jennings, D. |
| Dyke        | Himle        | Onnen         | Shaver      |                   |
| Erickson    | Jacobs       | Pauly         | Sherman     |                   |

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

H. F. No. 1847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for em-

ployer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; setting the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.53; 43A.18, subdivision 4; 179A.10, subdivision 1; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20; 268.07, subdivisions 2 and 2a; 268.08, subdivision 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; Minnesota Statutes 1985 Supplement, sections 14.48; 14.51; 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

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

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

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

There were 81 yeas and 50 nays as follows:

Those who voted in the affirmative were:

|              |              |                |             |                   |
|--------------|--------------|----------------|-------------|-------------------|
| Anderson, G. | Dimler       | Kalis          | Pauly       | Sviggum           |
| Anderson, R. | Dyke         | Kiffmeyer      | Peterson    | Thiede            |
| Backlund     | Erickson     | Knickerbocker  | Piepho      | Thorson           |
| Becklin      | Fjoslien     | Krueger        | Poppenhagen | Tjornhom          |
| Bennett      | Forsythe     | Kvam           | Quist       | Tompkins          |
| Bishop       | Frederick    | Levi           | Redalen     | Tunheim           |
| Blatz        | Frederickson | Lieder         | Rees        | Uphus             |
| Boerboom     | Frerichs     | Marsh          | Richter     | Valan             |
| Boo          | Gruenes      | McDonald       | Rodosovich  | Valento           |
| Brinkman     | Gutknecht    | McKasy         | Rose        | Waltman           |
| Brown        | Halberg      | McPherson      | Schafer     | Welle             |
| Burger       | Hartinger    | Miller         | Schreiber   | Zaffke            |
| Carlson, D.  | Hartle       | Neuenschwander | Seaberg     | Spk. Jennings, D. |
| Carlson, J.  | Haukoos      | Olsen, S.      | Shaver      |                   |
| Clausnitzer  | Heap         | Omann          | Sherman     |                   |
| Dempsey      | Himle        | Onnen          | Sparby      |                   |
| DenOuden     | Johnson      | Ozment         | Stanius     |                   |

Those who voted in the negative were:

|           |             |           |            |              |
|-----------|-------------|-----------|------------|--------------|
| Battaglia | Brandl      | Cohen     | Greenfield | Jennings, L. |
| Beard     | Carlson, L. | Elioff    | Jacobs     | Kahn         |
| Begich    | Clark       | Ellingson | Jaros      | Kelly        |



|            |            |         |          |           |
|------------|------------|---------|----------|-----------|
| Knuth      | Munger     | Osthoff | Rice     | Staten    |
| Kostohryz  | Murphy     | Otis    | Riveness | Tomlinson |
| Long       | Nelson, D. | Pappas  | Sarna    | Vanasek   |
| McEachern  | Nelson, K. | Piper   | Segal    | Vellenga  |
| McLaughlin | Norton     | Price   | Simoneau | Voss      |
| Metzen     | O'Connor   | Quinn   | Skoglund | Wenzel    |
| Minne      | Ogren      | Rest    | Solberg  | Wynia     |

The bill was passed and its title agreed to.

### GENERAL ORDERS

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

### MOTIONS AND RESOLUTIONS

Onnen moved that the names of Segal and Boo be added as authors on H. F. No. 370. The motion prevailed.

Johnson moved that the name of Valan be added as chief author and the name of Johnson be shown as second author and the name of Seaberg be added as an author on H. F. No. 1389. The motion prevailed.

Carlson, J., moved that the names of Onnen, Quist, Stanius and Ozment be added as authors on H. F. No. 1594. The motion prevailed.

Richter moved that the name of Hartinger be added as an author on H. F. No. 1726. The motion prevailed.

Blatz moved that the name of Quinn be added as an author on H. F. No. 1764. The motion prevailed.

Richter moved that the name of Poppenhagen be added as an author on H. F. No. 1769. The motion prevailed.

Redalen moved that the name of Uphus be added as an author on H. F. No. 1846. The motion prevailed.

Clausnitzer moved that the name of Rodosovich be stricken as an author on H. F. No. 1879. The motion prevailed.

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

Pappas moved that the name of Boo be added as an author on H. F. No. 1921. The motion prevailed.

Valento moved that the names of Voss and Thiede be added as authors on H. F. No. 1990. The motion prevailed.

Stanius moved that the names of Voss, Knickerbocker and Ozment be added as authors on H. F. No. 1991. The motion prevailed.

Shaver moved that the name of Piepho be added as an author on H. F. No. 1998. The motion prevailed.

Vellenga moved that the names of Krueger, Seaberg, Clark and Valan be added as authors on H. F. No. 2000. The motion prevailed.

Shaver moved that the name of Fjoslien be added as an author on H. F. No. 2010. The motion prevailed.

Kalis moved that the name of Dempsey be stricken and the name of Peterson be added as an author on H. F. No. 2021. The motion prevailed.

Ogren moved that the name of Price be added as an author on H. F. No. 2022. The motion prevailed.

Boerboom moved that the name of Sarna be added as an author on H. F. No. 2025. The motion prevailed.

Knuth moved that H. F. No. 1898 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Judiciary. The motion prevailed.

Seaberg moved that H. F. No. 1913 be recalled from the Committee on Crime and Family Law and be re-referred to the Committee on Appropriations. The motion prevailed.

#### PENDING POINT OF ORDER

The pending point of order relating to H. F. No. 1930, raised by Knuth earlier today, pursuant to rule 5.8 and deferred by the Speaker, was reported to the House. The Speaker ruled the point of order not well taken.

Pauly moved that H. F. No. 2044 be recalled from the Committee on Judiciary and be re-referred to the Committee on Governmental Operations. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 17, 1986. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 17, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives