

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1986

## SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 27, 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 Rabbi Herbert Yoskowitz, B'Nai Emet Synagogue, St. Louis Park, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Carlson, D.; Jaros; Kalis; McPherson and Tunheim were excused.

Cohen and Ellingson were excused until 3:00 p.m. Tomlinson was excused until 3:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Redalen 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. 1918, 1945, 1951, 2005, 2021, 2111, 2131, 2143, 2156, 2185, 2187, 2188, 2216, 2294, 2317, 2329, 2338, 2365, 2370, 2371, 1824, 124, 1732, 1746, 1767, 1863, 1875, 1950, 1970, 2051, 2068, 2071, 2089, 2097, 2132, 2183, 2292, 2364, 397, 1611, 1803, 2037, 2072 and 1873 and S. F. Nos. 1857 and 363 have been placed in the members' files.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

February 24, 1986

The Honorable David M. Jennings  
Speaker of the House  
463 State Office Building  
St. Paul, Minnesota 55155

Dear Sir:

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

H. F. No. 1699, relating to licenses; requiring operators of campgrounds and manufactured home parks to procure a license; amending Minnesota Statutes 1984, section 157.03.

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.

Sincerely,

RUDY PERPICH  
Governor

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

February 24, 1986

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

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1986 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1986</i>	<i>Date Filed 1986</i>
40		310	February 24	February 24
	1699	311	February 24	February 24
1826		Resolution No. 6	February 24	February 24

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 804, A bill for an act relating to obscenity; prohibiting obscene live performances; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 617.

Reported the same back with the following amendments:

Page 1, line 24, delete "*gential*" and insert "*genital*"

Page 2, delete lines 16 to 19

Page 2, line 20, delete "5." and insert "4."

Page 2, delete section 2

With the recommendation that when so amended the bill pass.

The report was adopted.

Halberg from the Committee on Judiciary to which was referred:

H. F. No. 1776, A bill for an act relating to commerce; providing immunity to the state and municipalities for certain claims; regulating certain self-insurance pools; modifying the limitation on actions for damages based on services of construction to improve real property; abolishing the collateral source rule; requiring judgments to be paid in periodic installments rather than a lump sum upon request of either party; abolishing punitive damages in civil actions; placing a monetary maximum on the amount recoverable as intangible damages; eliminating joint liability in tort; amending Minnesota Statutes 1984, sections 466.01, subdivision 1; 466.03, subdivisions 4 and 6b, and by adding subdivisions; 471.982, subdivision 3; 541.051; 549.09, subdivision 1; 549.20, subdivision 1; and 604.02, subdivision 1; Minnesota Statutes 1985 Supplement, section 3.736, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 466, 481, 548, and 549; repealing Minnesota Statutes 1984, section 549.20, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 6, after line 5, insert:

"Sec. 11. [541.052] [LIMITATION OF ACTIONS FOR DAMAGES BASED ON ERRORS IN LAND SURVEYS.]

*Subdivision 1. Except where fraud is involved, no action to recover damages for an error in the survey of land, nor any action for contribution or indemnity for damages sustained on account of an error, may be brought against any person performing the survey more than two years after the discovery of the error, nor in any event more than seven years after the date of the survey.*

*Subd. 2. Notwithstanding the provisions of subdivision 1, in the case of action which occurs during the sixth or seventh year after the date of the survey, an action to recover damages may be brought within two years after the date on which the action occurred, but in no event may an action be brought more than nine years after the date of the survey."*

Pages 16 and 17, delete sections 29, 30, 31 and 32

Renumber the remaining sections

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1846, A bill for an act relating to agriculture; establishing filing requirements, enforcement, and priority of veterinarian's lien; giving agricultural production input liens priority; amending Minnesota Statutes 1984, section 514.92; Minnesota Statutes 1985 Supplement, section 514.952, subdivision 4; repealing Minnesota Statutes 1984, section 514.952, subdivision 6; and Minnesota Statutes 1985 Supplement, section 514.952, subdivision 5.

Reported the same back with the following amendments:

Pages 3 and 4, delete sections 2 and 3

Renumber the remaining section

Amend the title as follows:

Page 1, line 4, delete "giving agricultural production"

Page 1, line 5, delete "input liens priority;"

Page 1, line 6, delete "; Minnesota Statutes 1985"

Page 1, delete lines 7 to 9

Page 1, line 10, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1869, A bill for an act relating to local government units; authorizing the privatization of facilities for the treatment

of wastewater and the furnishing of potable water; amending Minnesota Statutes 1984, section 474.02, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 297A.25, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 471A.

Reported the same back with the following amendments:

Pages 1 to 11, delete section 1 and insert:

"Section 1. [297A.258] [PRIVATE SUPPLIERS OF PUBLIC SERVICES.]

*A private vendor that has entered into a service contract with a municipality under sections 3 and 4 is a political subdivision for purposes of determining the tax imposed under this chapter. This section applies only to the extent that the vendor is acting for the purposes of constructing, maintaining, or operating related facilities pursuant to the service contract.*

*The commissioner may provide for the issuance of a limited exemption certificate to a private vendor for purposes of administering this section. The commissioner may further require a vendor to obtain a certificate in order to qualify as a political subdivision under this section.*

*For purposes of this section, "private vendor," "service contract," and "related facilities" have the meanings given in sections 3 and 4."*

Page 19, line 2, delete "AND SALES"

Page 19, line 3, delete "TAXES"

Page 19, line 4, delete "or"

Page 19, line 5, delete "sales taxes"

Page 19, line 7, delete "cause" and insert "apply to the commissioner of revenue for an exemption from property taxation of"

Page 19, line 7, delete "to be exempt from" and insert a period

Page 19, delete lines 8 to 18 and insert "The property is exempt from ad valorem taxation, if the commissioner of revenue determines that the related facilities serve the general public and that similar municipally-owned facilities are exempt from ad valorem property taxation. The commissioner of revenue must notify the assessor that the property is exempt from taxation."

Page 19, line 19, delete "effective." and delete "shall only be" and insert "is only"

Page 19, line 21, delete "*and from and after*"

Page 19, delete line 22

Page 19, line 23, delete "*taxes*"

Page 19, line 25, delete "*filing the certificate*" and insert "*approval of the exemption by the commissioner of revenue*"

Amend the title as follows:

Page 1, line 6, delete "Minnesota Statutes 1985"

Page 1, line 7, delete "Supplement, section 297A.25, subdivision 1;"

Page 1, line 8, after "law" insert "in Minnesota Statutes, chapter 297A; proposing coding for new law"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1887, A bill for an act relating to drivers' licenses; providing for motorized bicycle instruction permits; setting a fee; amending Minnesota Statutes 1984, sections 171.02, subdivision 3; and 171.05, by adding a subdivision.

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

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 1890, A bill for an act relating to retirement; Buhl police relief association; permitting the association to amend its bylaws to provide for the payment of benefits to the survivors of deceased members.

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

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

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

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

The report was adopted.

Erickson from the Committee on Education to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE POST-SECONDARY INSTITUTIONS.] For purposes of this section, an “eligible institution” means a Minnesota public post-secondary institution or a private, residential, *two-year or four-year*, liberal arts, degree-granting college or university located in Minnesota.

Sec. 2. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 4, is amended to read:

Subd. 4. [AUTHORIZATION; NOTIFICATION.] Notwithstanding any other law to the contrary, an 11th or 12th grade pupil may apply to an eligible institution, as defined in subdivision 3, to allow the pupil to enroll in nonsectarian courses or programs offered at that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school district, and the commissioner of education within ten days of acceptance. The notice shall indicate the course or programs and hours of enrollment of that pupil. *If the pupil enrolls in a course or program for post-secondary*



*credit only, the institution shall notify the pupil about payment in the customary manner used by the institution.*

Sec. 3. Minnesota Statutes 1985 Supplement, section 123.3514, is amended by adding a subdivision to read:

*Subd. 4a. [COUNSELING.] To the extent possible, the school district shall provide counseling services to pupils and their parents or guardian before the pupils enroll in courses or programs under this section to ensure that the pupils and their parents or guardian are fully aware of the risks and possible consequences of enrolling in post-secondary courses or programs. The district shall provide information on the program including who may enroll, what institutions and courses or programs are eligible for participation, the decision-making process for granting academic credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the impact of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, and the academic and social responsibilities that must be assumed by the pupils and their parents or guardian. The high school counselor or other appropriate staff person shall encourage pupils and their parents or guardian to also use available counseling services at the post-secondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate.*

*Prior to enrollment in courses or programs under this section, the pupil and that pupil's parents or guardian must sign a form stating that they have received the information specified in this subdivision either from the high school or post-secondary institution, and that they understand the responsibilities that must be assumed in enrolling in this program. The state department of education shall, upon request, provide technical assistance to the school districts in developing appropriate counseling guidelines.*

Sec. 4. Minnesota Statutes 1985 Supplement, section 123.3514, is amended by adding a subdivision to read:

*Subd. 4b. [DISSEMINATION OF INFORMATION; NOTIFICATION OF INTENT TO ENROLL.] By March 1 of each year, a school district shall provide general information on the post-secondary enrollment options program to all pupils in the district who are in grades 10 and 11. To assist the school district in planning, the pupils shall inform the high school counselor or other appropriate staff person by March 30 of each year of their intent to enroll in post-secondary courses or programs under this section during the following school year.*

Sec. 5. Minnesota Statutes 1985 Supplement, section 123.3514, is amended by adding a subdivision to read:

*Subd. 4c. [LIMIT ON PARTICIPATION.] In order to avoid pupils making decisions to delay high school graduation to be able to enroll in more courses or programs under this section, the following limits on participation shall apply. A pupil who first enrolls under this section in grade 11 may not enroll in post-secondary courses or programs under this section in more than six quarters or four semesters, or their equivalent. A pupil who first enrolls under this section in grade 12 may not enroll in post-secondary courses or programs under this section in more than three quarters or two semesters, or their equivalent. If a pupil in grades 11 or 12 first enrolls in a post-secondary course or program under this section during the school year, the respective limits on the number of quarters or semesters of participation shall be reduced proportionately.*

Sec. 6. Minnesota Statutes 1985 Supplement, section 123.3514, is amended by adding a subdivision to read:

*Subd. 4d. [REGISTRATION PRIORITY.] Pupils in grades 11 and 12 may register to enroll in courses or programs in post-secondary institutions only after post-secondary students have had an opportunity to register during the regular registration period for a particular institution.*

Sec. 7. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 5, is amended to read:

*Subd. 5. [CREDITS.] A pupil may enroll in courses or programs under this section for either secondary credit or post-secondary credit. At the time a pupil enrolls in a course or program, the pupil shall designate whether the course is for secondary or post-secondary credit. A pupil taking several courses may designate some for secondary school credit and some for post-secondary credit.*

A school district shall grant academic credit to a pupil enrolled in a course or program under this section if the pupil successfully completes the course or program attended and if the pupil designated the course or program for secondary credit. If no comparable course or program is offered by the district, the state board of education shall determine the number of credits that shall be granted to a pupil who successfully completes and passes the course or program. If a comparable course or program is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course or program, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area require-

ments of the school district. Evidence of successful completion of each course or program and credits granted shall be included in the pupil's secondary school record. *The record shall indicate that the credits were earned at a post-secondary institution.*

*If a pupil enrolls in a post-secondary institution after leaving high school, the post-secondary institution shall award post-secondary credit for any courses or programs successfully completed by the pupil at that institution under this section. Other post-secondary institutions may award, when a pupil is no longer in the 12th grade, post-secondary credit for any courses or programs successfully completed under this section.*

Sec. 8. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 6, is amended to read:

Subd. 6. [FINANCIAL ARRANGEMENTS.] At the end of each school year, the department of education shall pay the tuition reimbursement amount within 30 days to the post-secondary institutions (THAT ENROLL PUPILS) *for courses or programs that were taken for secondary credit under this section.* The amount of tuition reimbursement shall equal the lesser of:

(1) the actual costs of tuition, textbooks, materials, and fees directly related to the course or program (CHARGED FOR) *taken by the secondary pupil (ENROLLING IN A COURSE OR PROGRAM) for secondary credit under this section; or*

(2) an amount equal to the difference between the formula allowance plus the total tier revenue attributable to that pupil and an amount computed by multiplying the formula allowance plus the total tier revenue attributable to that pupil by a ratio. The ratio to be used is the total number of hours that the pupil is enrolled in courses in the secondary school during the regular school year over the total number of secondary instructional hours per pupil in that pupil's resident district.

The amount paid for each pupil shall be subtracted from the foundation aid paid to the pupil's resident district. If the amount to be subtracted is greater than the amount of foundation aid due the district, the excess reduction shall be made from other state aids due to the district.

*A pupil shall be responsible for tuition and other costs of any course or program taken only for post-secondary credit under this section.*

Sec. 9. Minnesota Statutes 1985 Supplement, section 123.3514, is amended by adding a subdivision to read:

Subd. 6a. [GRANTS AND FINANCIAL AID PROHIBITED.] *A high school pupil enrolled in post-secondary courses or*

*programs for secondary credit under this section is not eligible for any state post-secondary grants or other state student financial aid for the purpose of defraying the costs of enrolling in those courses or programs.*

Sec. 10. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 8, is amended to read:

Subd. 8. [TRANSPORTATION.] A parent or guardian of a pupil (ATTENDING A POST-SECONDARY INSTITUTION) *enrolled in a course or program for secondary credit* under this section may apply to the pupil's district of residence for reimbursement for transporting the pupil between the secondary school in which the pupil is enrolled and the post-secondary institution that the pupil attends. The state board of education shall establish guidelines for providing state aid to districts to reimburse the parent or guardian for the necessary transportation costs, which shall be based on financial need. The state shall pay aid to the district according to the guidelines established under this subdivision. Chapter 14 does not apply to the guidelines.

Sec. 11. Minnesota Statutes 1985 Supplement, section 123.3514, subdivision 10, is amended to read:

Subd. 10. [LIMIT; STATE OBLIGATION.] The provisions of subdivisions 6, 7, 8, and 9 shall not apply for any post-secondary courses or programs in which a pupil is enrolled in addition to being enrolled full time in that pupil's district *or for any post-secondary course or program in which a pupil is enrolled for post-secondary credit.*

Sec. 12. Minnesota Statutes 1984, section 124A.034, subdivision 1, is amended to read:

Subdivision 1. [TO RESIDENT DISTRICT.] Foundation aid for shared time pupils shall be paid to the district of the pupil's residence, *or to an eligible post-secondary institution for those pupils who enroll in courses or programs for secondary credit at eligible institutions under section 123.3514.* If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in section 124A.02, subdivision 20 times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

Sec. 13. Minnesota Statutes 1984, section 124A.034, subdivision 2, is amended to read:

Subd. 2. [LOCATION OF SERVICES.] Public school programs may be provided to shared time pupils only at a public

school building, or at an eligible post-secondary institution if a shared time pupil enrolls in a course or program for secondary credit under section 123.3514; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided at a neutral site as defined in section 123.932, and diagnostic and health services required pursuant to section 120.17 may also be provided at a non-public school building. As used in this subdivision, "diagnostic services" means speech, hearing, vision, psychological, medical and dental diagnostic services and "health services" means physician, nursing or optometric services provided to pupils in the field of physical and mental health.

Sec. 14. Laws 1985, First Special Session chapter 12, article 5, section 7, is amended to read:

Sec. 7. [EVALUATION.]

The department of education, in consultation with the higher education coordinating board, the public post-secondary systems and the participating private colleges, shall collect and evaluate information about the implementation of the program established under section 1. By January 15, 1987, the commissioner of education shall submit a report to the education committees of the legislature on the implementation of this program. *The report to the legislature shall address at least the following issues:*

- (1) description of participating pupils and other enrollment data;*
- (2) results of surveys of pupils, parents, school districts, and post-secondary institutions;*
- (3) results of any appeals to the state board of education regarding credits for courses or programs taken under the program;*
- (4) assessment of counseling services provided to pupils and their parents or guardians;*
- (5) fiscal impact of the program;*
- (6) feasibility of including summer school courses or programs in this program;*
- (7) feasibility of implementing cooperative plans for offering post-secondary courses in the high schools;*
- (8) current school district and post-secondary policies relating to advanced placement and other accelerated testing program;*

(9) *recommendations on the feasibility of implementing and funding a state-wide advanced placement program which would accomplish, to the extent possible, the goals of: (i) making advanced placement courses available in every school district; (ii) providing for a partial or total subsidy of advanced placement costs; and (iii) requiring post-secondary institutions to grant post-secondary credit for successful completion of advanced placement programs;*

(10) *comparability of courses offered in the high schools and post-secondary institutions;*

(11) *advisability of establishing specific admission standards for high school pupils enrolling in post-secondary courses or programs;*

(12) *feasibility of expanding course offerings through alternative means when access to post-secondary institutions is geographically impossible;*

(13) *feasibility of increasing the maximum age of compulsory attendance at school; and*

(14) *other significant implementation issues or problems.*

#### Sec. 15. [NOTICE FOR THE 1986-1987 SCHOOL YEAR.]

*To assist a school district in planning for the 1986-1987 school year, the district may obtain information from pupils about their intention to enroll in post-secondary courses or programs during the 1986-1987 school year under Minnesota Statutes, section 123.3514, 30 days after the district provides general information and to the extent possible, counseling services, on the program to pupils in grades 10 and 11 and their parents.*

#### Sec. 16. [EFFECTIVE DATE.]

*Sections 1, 5, 6, and 15 are effective the day following final enactment. Sections 2, 3, 4, 7, 8, 9, 10, and 11 are effective for the 1986-1987 school year and thereafter."*

Delete the title and insert:

*"A bill for an act relating to education; imposing a limit on participation; eliminating state tuition reimbursement for courses taken for post-secondary credit; making other modifications to the post-secondary enrollment options program; amending Minnesota Statutes 1984, section 124A.034, subdivisions 1 and 2; Minnesota Statutes 1985 Supplement, section 123.3514,*

subdivisions 3, 4, 5, 6, 8, and 10, and by adding subdivisions; and Laws 1985, First Special Session chapter 12, article 5, section 7."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1958, A bill for an act relating to crime victims; providing increased protections and rights to victims of crime; increasing the criminal witness fee; providing new procedures for enforcing restitution orders; establishing local victim-witness assistance programs; making a variety of changes to the crime victims reparations act; increasing the membership of the crime victim and witness advisory council; amending Minnesota Statutes 1984, sections 357.22; 357.24; 609.115, subdivision 1c; 609.135, by adding a subdivision; 611A.03, subdivision 1; 611A.04, subdivision 2; 611A.06; 611A.53, subdivision 1, and by adding a subdivision; and 611A.61; and Minnesota Statutes 1985 Supplement, sections 609.101; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.56, subdivision 1; 611A.71, subdivisions 1 and 2; 631.046; and 631.07; proposing coding for new law in Minnesota Statutes, chapters 43A and 611A.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 to 3

Page 3, line 33, after "oral" insert "or written"

Page 3, line 34, after "hearing" insert "*either personally, by counsel or, with leave of the court, by another representative selected by the victim*"

Page 4, line 23, delete everything after the headnote, and insert "*In every judicial district where no victim assistance program otherwise exists and where sufficient local or federal funds are available, the chief judge*"

Page 4, line 24, delete "judicial district"

Page 5, line 18, delete "and"

Page 5, line 21, delete the period and insert " ; and"

Page 5, after line 21, insert:

"(10) *provide information and referral to existing victim assistance programs.*"

Page 6, line 24, after "shall" insert "make reasonable efforts to"

Page 6, line 25, delete everything before the period

Page 6, line 26, delete "every" and "effort" and after "reasonable" insert "efforts"

Page 7, delete lines 6 to 9 and insert "No victim providing testimony in court proceedings may be compelled to state the victim's home or employment address on the record in open court."

Page 7, delete section 15 and insert:

"Sec. 12. [611A.037] [RIGHT TO MAKE OR SUBMIT STATEMENT AT SENTENCING.]

*Subdivision 1. [WRITTEN IMPACT STATEMENT.] A victim has the right to submit a written impact statement to the court at the sentencing or disposition hearing. The victim's written statement may include but need not be limited to the following:*

*(1) a summary of the harm or trauma suffered by the victim as a result of the crime;*

*(2) a summary of the economic loss or damage suffered by the victim as a result of the crime;*

*(3) whether or not the victim seeks or is in need of restitution or other compensation for harm or loss suffered; and*

*(4) the victim's recommendation for an appropriate sentence or disposition, and the victim's objections, if any, to the proposed sentence or disposition.*

*If the court determines that, due to the victim's age or other disability, the victim is unable to submit an impact statement in writing, it shall permit the victim to make the statement orally at the sentencing or disposition hearing.*

*Subd. 2. [ORAL IMPACT STATEMENT.] A victim has standing at trial to appear and make an oral impact statement at the sentencing or disposition hearing either personally, by counsel or, with leave of court, by another representative selected by the victim. The oral statement may contain the following information:*

*(1) a concise statement of what disposition the victim deems appropriate for the defendant or juvenile court*



*respondent, including the reasons, if any, which support the victim's opinion; and*

*(2) the victim's objections, if any, to the proposed sentence or disposition.*

*A victim who, due to age or other disability, is permitted by the court to make an oral impact statement under subdivision 1 shall not make an additional impact statement under this subdivision."*

Page 11, delete line 16 and insert "*parts 9502.0315 to 9502.0445, or parts 9545.0510 to 9545.0670,*"

Page 11, line 17, delete "*Minnesota*"

Page 11, line 18, delete everything before the period, and insert "*section 245.791*"

Page 12, line 4, delete "*in three-year installments*" and insert "*for three years or*"

Page 12, line 5, before the period insert "*, whichever is the shorter period*" and delete everything after the period

Page 12, line 6, delete "*years,*" and insert "*After three years, if the child is less than 18 years old*"

Page 12, line 17, delete everything after the headnote

Page 12, line 18, delete the new language

Page 12, delete lines 25 to 28

Page 13, line 30, delete "*unable reasonably*" and after "*have*" insert "*been unable to have*"

Page 14, line 13, delete "*seciton*" and insert "*section*"

Page 15, after line 1, insert:

*"No employer may deny an employee an award of benefits based on the employee's eligibility or potential eligibility for reparations."*

Page 15, after line 22, insert:

"Sec. 20. Minnesota Statutes 1984, section 611A.57, is amended by adding a subdivision to read:

*Subd. 6. Claims for reparations and supporting documents and reports are investigative data and subject to the provisions of section 13.39 until the claim is paid, denied, withdrawn, or abandoned. Following the payment, denial, withdrawal, or abandonment of a claim, the claim and supporting documents and reports are private data on individuals as defined in section 13.02, subdivision 12."*

Page 16, delete lines 7 to 14

Page 18, delete section 28

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "increasing"

Page 1, line 4, delete "the criminal witness fee;"

Page 1, line 10, delete "357.22; 357.24;"

Page 1, line 13, after the semicolon, insert "611A.57, by adding a subdivision;"

Page 1, line 17, before "631.046;" insert "and"

Page 1, line 17, delete "and 631.07;"

Page 1, line 18, delete "chapters 43A and" and insert "chapter"

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. 2141, A bill for an act relating to agriculture; requiring certain corporate owners of agricultural land to pay the state for damage to certain conservation improvements; requiring valuation of certain agricultural land held by corporations at more than the market value; amending Minnesota Statutes 1984, sections 273.11, subdivision 1; and 500.24, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 500.24, is amended by adding a subdivision to read:

*Subd. 3a. [LEASE AGREEMENT; CONSERVATION PRACTICE PROTECTION CLAUSE.] A corporation, other than a family farm corporation or an authorized farm corporation, when leasing farm land to a family farm unit, a family farm corporation, or an authorized farm corporation under provisions of section 500.24, subdivision 3, clause (i), must include within the lease agreement a provision prohibiting intentional damage or destruction to a conservation practice on the agricultural land.*

Sec. 2. Minnesota Statutes 1984, section 500.24, is amended by adding a subdivision to read:

*Subd. 3b. [PROTECTION OF CONSERVATION PRACTICES.] If a corporation, other than a family farm corporation or an authorized farm corporation, during the period of time it holds agricultural land under section 500.24, subdivision 3, clause (i), intentionally destroys a conservation practice as defined in Minnesota Statutes 1985 Supplement, section 40.19, subdivision 5, to which the state has made a financial contribution, the corporation must pay the commissioner of agriculture, for deposit in the general fund, an amount equal to the state's total contributions to that conservation practice plus interest from the time of investment in the conservation practice. Interest must be calculated at an annual percentage rate of 12 percent."*

Delete the title and insert:

"A bill for an act relating to agriculture; requiring certain corporate owners of agricultural land to reimburse the state for damage to conservation practices; requiring certain lease terms; amending Minnesota Statutes 1984, section 500.24, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2197, A bill for an act relating to the family; requiring a parent to provide health and dental insurance as support for a minor child; amending Minnesota Statutes 1984, section 518C.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1984, section 518.551, subdivision 8.

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

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 2198, A bill for an act relating to retirement; authorizing the purchase of allowable service credit by a certain member of the public employees retirement association.

Reported the same back with the following amendments:

Page 1, line 7, delete "[PURCHASE OF SERVICE CREDIT.]" and insert "[PAYMENT OF VOLUNTARY ASSESSMENTS.]"

Page 1, line 10, delete "*purchase allowable service*"

Page 1, line 11, delete "*credit in*" and insert "*pay*" and after "*association*" insert "*voluntary assessments*"

Page 1, line 20, delete everything before the period and insert "*pay the voluntary assessments*"

Page 1, line 24, after "*All*" insert "*employee, employer, and employer additional*"

Page 2, line 2, delete everything after the period

Page 2, delete line 3

With the recommendation that when so amended the bill pass.

The report was adopted.

Redalen from the Committee on Regulated Industries and Energy to which was referred:

H. F. No. 2221, A bill for an act relating to utilities; changing the powers and responsibilities of the chair of the public utilities commission; requiring commissioners to file certain financial information before taking office; prohibiting commissioners and certain employees from engaging in certain activity after leaving the commission; requiring the commission to adopt a code of conduct; amending Minnesota Statutes 1984, sections 216A.035; and 216A.04; proposing coding for new law in Minnesota Statutes, chapter 216A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] (AS OF JANUARY 1, 1975 THE PUBLIC UTILITIES COMMISSION SHALL CONSIST OF FIVE MEMBERS, THREE OF WHOM SHALL BE THE MEMBERS THEN SERVING, WHO SHALL CONTINUE TO SERVE FOR THE BALANCE OF THEIR ELECTIVE OR APPOINTIVE TERMS. THERE SHALL BE TWO ADDITIONAL COMMISSIONERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, ONE FOR A TERM EXPIRING DECEMBER 31, 1975, AND ONE FOR A TERM EXPIRING DECEMBER 31, 1977. THEREAFTER) The terms of (ALL SUBSEQUENT) members (OF THE COMMISSION) shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. *No more than three commissioners may be domiciled at the time of appointment in the seven-county metropolitan area; except that if the membership of the commission after July 31, 1986, consists of more than three members domiciled at the time of appointment in the seven-county metropolitan area, the membership shall conform to this requirement following normal attrition of the present commissioners.* The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting (OR), property and utility valuation, finance, physical or natural sciences, production agriculture, or natural resources as well as being representative of the general public.

*For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.*

Sec. 2. Minnesota Statutes 1984, section 216A.03, subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The commission shall elect one of their number chairman at the meeting of the commission in the second week in January of each *odd-numbered* year for a term of (ONE YEAR) *two years*. *A person shall not serve as chair for more than two consecutive terms.*

If a vacancy occurs in the position of chairman, the commission shall elect a new chairman to complete the unexpired term.

Sec. 3. Minnesota Statutes 1984, section 216A.035, is amended to read:

**216A.035 [CONFLICT OF INTEREST; PENALTY.]**

*Subdivision 1. [PUBLIC UTILITIES COMMISSION.] (a) A person shall not accept appointment or employment as a public*

*utilities commissioner or as executive secretary of the commission if within the previous one year that person:*

*(1) was employed by a person or organization subject to rate regulation by the public utilities commission;*

*(2) was employed by an affiliate or subsidiary of a person or organization subject to rate regulation by the commission;*

*(3) represented a person or organization subject to rate regulation by the commission;*

*(4) was employed by a person or organization that represented or acted as an agent of a person or organization subject to rate regulation by the commission; or*

*(5) personally acted as an intervenor in a commission hearing.*

*(b) No person during his term of membership on the public utilities commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission shall receive any significant portion of his income directly or indirectly from any public utility or other organization subject to regulation by the commission. (NO PERSON SHALL BE ELIGIBLE TO BE APPOINTED AS A MEMBER OF THE PUBLIC UTILITIES COMMISSION UNLESS AND UNTIL HE DIVESTS HIMSELF OF ANY SIGNIFICANT INTEREST OR ABANDONS ANY EMPLOYMENT WITH A UTILITY.)*

*(c) Within one year of expiration of service as a public utilities commissioner, or executive secretary of the commission, a person shall not:*

*(1) seek or accept employment with a person or organization subject to rate regulation by the public utilities commission;*

*(2) seek or accept employment with an affiliate or subsidiary of a person or organization subject to rate regulation by the commission;*

*(3) act as an agent or representative of a person or organization subject to rate regulation by the commission;*

*(4) seek or accept employment with a person or organization that represents or acts as an agent of a person or organization subject to rate regulation by the commission; or*

*(5) personally act as an intervenor in a commission hearing.*

(d) *Each commissioner shall file a statement of economic interest as required by section 10A.09 with the ethical practices board and the public utilities commission before taking office. The statement of economic interest must state any interest that the commissioner has in a company, industry, or business regulated by the commission.*

**Subd. 2. [DEPARTMENT OF PUBLIC SERVICE EMPLOYEES.]** (a) *A person shall not accept appointment or employment as the director or deputy director of the public service department if within the previous one year that person:*

(1) *was employed by a person or organization subject to rate regulation by the public utilities commission;*

(2) *was employed by an affiliate or subsidiary of a person or organization subject to rate regulation by the commission;*

(3) *represented a person or organization subject to rate regulation by the commission;*

(4) *was employed by a person or organization that represented or acted as an agent of a person or organization subject to rate regulation by the commission; or*

(5) *personally acted as an intervenor in a commission hearing.*

(b) *No person who is an employee of the public service department shall participate in any manner in any decision or action of the commission where he has a direct or indirect financial interest. Each (COMMISSIONER) director or employee of the public service department who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to public utilities or transportation regulation shall report to the ethical practices board annually before April 15 any interest he has in an industry or business regulated by the commission.*

(c) *Within one year of service with the department of public service as the director or a deputy director, a person shall not:*

(1) *seek or accept employment with a person or organization subject to rate regulation by the public utilities commission;*

(2) *seek or accept employment with an affiliate or subsidiary of a person or organization subject to rate regulation by the commission;*

(3) act as an agent or representative of a person or organization subject to rate regulation by the commission;

(4) seek or accept employment with a person or organization that represents or acts as an agent of a person or organization subject to rate regulation by the commission; or

(5) personally act as an intervenor in a commission hearing.

**Subd. 3. [PENALTY.]** A person who violates subdivision 1, paragraph (a), (b), or (c) or subdivision 2, paragraph (a), (b), or (c) is guilty of a gross misdemeanor.

**Sec. 4. [216A.037] [EX PARTE COMMUNICATIONS AND CONDUCT RULES.]**

**Subdivision 1. [EX PARTE RULES.]** The commission shall adopt rules under chapter 14 governing ex parte communications. The ex parte rules may prohibit only ex parte communications by commission members or staff with a party relating to a material issue during a pending contested case proceeding; provided, however, that such rules shall not conflict with Minnesota Statutes, section 14.60, subdivision 2, and section 14.62 nor otherwise restrict the commission's access to information and ideas. A contested case is pending from the time the commission refers the matter to the office of administrative hearings until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing an application for reconsideration, whichever is later.

**Subd. 2. [CONDUCT RULES.]** The commission shall adopt rules prescribing a code of conduct for commissioners and employees of the commission. The code of conduct must include standards similar to the judicial code of conduct for judges.

The commission shall adopt emergency rules to implement this subdivision.

**Sec. 5.** Minnesota Statutes 1984, section 216B.16, subdivision 1a, is amended to read:

**Subd. 1a. [SETTLEMENT BARRED.]** When a public utility purposes changes in general rates that would increase general rates paid by consumers (BY MORE THAN \$500,000 ANNUALLY), the commission (SHALL NOT) may approve the change (UNTIL AFTER REQUIRING THE OFFICE OF ADMINISTRATIVE HEARINGS TO CONDUCT) without a contested case hearing (ON, AT A MINIMUM, THE APPROPRIATE RATE BASE, EXPENSE AND REVENUE LEVELS FOR THE TEST YEAR, AND THE RATE OF RETURN. IF



THE FORMAL PARTIES TO THE CONTESTED CASE CHOOSE NOT TO CROSS EXAMINE THE TESTIMONY PRESENTED, IT SHALL BE THE DUTY OF THE COMMISSION AND ITS STAFF TO MAKE INQUIRY OF THE WITNESSES PRESENTED TO ENSURE THAT THE TESTIMONY IS WELL REASONED AND CONSTITUTES SUBSTANTIAL EVIDENCE. AFTER A REPORT OF THE EXAMINER HAS BEEN ISSUED, THE COMMISSION MAY PROCEED TO TAKE ACTION ON THE PROPOSED RATES CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE COMMISSION SHALL NOT ACCEPT ANY STIPULATION THAT IS NOT AGREED TO BY) *if applicant and all intervening parties agree to a stipulated settlement of the case and the settlement is supported by substantial evidence. The commission shall accept or reject the settlement in its entirety and, at any time until its final order is issued in the case, may require the office of administrative hearings to conduct a contested case hearing.*

Sec. 6. Minnesota Statutes 1984, section 216B.16, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF RATES; HEARING.] Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both hearing examiner reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; *except if a settlement has been submitted and rejected by the commission, the schedule is deemed to have been*

*approved 12 months after the initial filing.* For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

Sec. 7. Minnesota Statutes 1984, section 237.075, subdivision 1a, is amended to read:

Subd. 1a. [SETTLEMENT BARRED.] When a telephone company proposes changes in general rates that would increase general rates paid by consumers (BY MORE THAN \$500,000 ANNUALLY), the commission (SHALL NOT) *may* approve the change (UNTIL AFTER REQUIRING THE OFFICE OF ADMINISTRATIVE HEARINGS TO CONDUCT) *without* a contested case hearing (ON, AT A MINIMUM, THE APPROPRIATE RATE BASE, EXPENSE AND REVENUE LEVELS FOR THE TEST YEAR, AND THE RATE OF RETURN. IF THE FORMAL PARTIES TO THE CONTESTED CASE CHOOSE NOT TO CROSS EXAMINE THE TESTIMONY PRESENTED, IT SHALL BE THE DUTY OF THE COMMISSION AND ITS STAFF TO MAKE INQUIRY OF THE WITNESSES PRESENTED TO ENSURE THAT THE TESTIMONY IS WELL REASONED AND CONSTITUTES SUBSTANTIAL EVIDENCE. AFTER A REPORT OF THE EXAMINER HAS BEEN ISSUED, THE COMMISSION MAY PROCEED TO TAKE ACTION ON THE PROPOSED RATES CONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE COMMISSION SHALL NOT ACCEPT ANY STIPULATION THAT IS NOT AGREED TO BY) *if applicant and all intervening parties agree to a stipulated settlement of the case and the settlement is supported by substantial evidence. The commission shall accept or reject the settlement in its entirety and, at any time until its final order is issued in the case, may require the office of administrative hearings to conduct a contested case hearing.*

Sec. 8. Minnesota Statutes 1984, section 237.075, subdivision 2, is amended to read:

Subd. 2. [SUSPENSION OF RATES; HEARING.] Whenever there is filed with the commission as provided in subdivision 1 a schedule modifying or resulting in a change in any rate then in force, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service

can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the telephone company's revenue requirements and (2) determination of the rate design. Upon issuance of both administrative law judge reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission does not make a final determination concerning a schedule of rates within ten months after the initial filing date, the schedule shall be deemed to have been approved by the commission; *except if a settlement has been submitted and rejected by the commission, the schedule is deemed to have been approved 12 months after the initial filing.* For the purposes of this section, "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all those petitions.

#### Sec. 9. [EFFECTIVE DATE.]

*Section 2 is effective August 1, 1986, and applies to persons elected to a first or second term as chair of the public utilities commission on and after that date. Section 3, subdivision 1, paragraph (a), and subdivision 2, paragraph (a), are effective the day following final enactment and apply to persons accepting appointment or employment on or after that date. Section 3, subdivision 1, paragraph (b), and subdivision 2, paragraph (b), are effective the day following final enactment and apply to persons appointed or employed on and after that date. Section 3, subdivision 1, paragraph (c), and subdivision 2, paragraph (c), are effective the day following final enactment and apply to persons terminating appointment or employment to or with the public utilities commission or department of public service on or after that date. Section 3, subdivision 3 is effective the day following final enactment and applies to violations occurring on or after that date. Section 4 is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to utilities; determining membership on public utilities commission; prescribing terms and duties of chair; delineating and prohibiting conflict of interest by public utility commissioners and certain employees of the commission

and department of public service; imposing a penalty; requiring commission to adopt a code of conduct; amending Minnesota Statutes 1984, sections 216A.03, subdivisions 1 and 3; and 216A.035; 216B.16, subdivisions 1a and 2; 237.075, subdivisions 1a, and 2; proposing coding for new law in Minnesota Statutes, chapter 216A."

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

The report was adopted.

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

H. F. No. 2263, A bill for an act relating to corporations; conforming to federal law; changing applicability of shareholder voting on control share acquisitions; amending Minnesota Statutes 1985 Supplement, sections 302A.449, subdivision 7; and 302A.671, subdivisions 1 and 3; repealing Laws 1985, First Special Session chapter 5, section 21.

Reported the same back with the following amendments:

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 1984, section 302A.751, is amended by adding a subdivision to read:

*Subd. 3b. [DISSOLUTION AS REMEDY.] In exercising its discretion to order dissolution, the court shall consider whether lesser relief suggested by one or more parties, such as any form of equitable relief, a buy-out, or a partial liquidation, would be adequate to permanently relieve the circumstances established under subdivision 1, clause (b) or (c). Lesser relief may be ordered irrespective of whether dissolution would be appropriate under all the facts and circumstances of the case."*

Page 3, line 12, delete "4" and insert "5"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 4, delete "amending" and insert "providing for lesser relief than dissolution under certain circumstances; amending Minnesota Statutes 1984, section 302A.751, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2265, A bill for an act relating to juvenile justice; providing for membership terms, removal, and filling of vacancies on the juvenile justice advisory committee; amending Minnesota Statutes 1984, section 116J.404.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Knickerbocker from the Committee on Governmental Operations to which was referred:

H. F. No. 2267, A bill for an act relating to administrative procedures; providing regulatory oversight; defining a rule; creating a legislative regulatory oversight commission; amending Minnesota Statutes 1984, section 14.39; Minnesota Statutes 1985 Supplement, sections 14.02, subdivision 4; 14.40; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 14.02, subdivision 4, is amended to read:

Subd. 4. [RULE.] "Rule" means *the whole or a part of every agency statement of general applicability and future effect, including amendments, suspensions, and repeals of rules, adopted to implement or make specific the law enforced or administered by it or to govern its organization or procedure. Every agency statement that meets this definition is a rule, regardless of whether the agency labels the statement with another term, such as a policy, informational, interpretive, or instructional bulletin or statement.* (IT) Rule does not include (a) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; (b) rules of the commissioner of corrections relating to the internal management of institutions under the commissioner's control and those rules governing the inmates thereof prescribed pursuant to section 609.105; (c) rules of the division of game and fish published in accordance with section 97.53; (d) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs; (e) opinions of the attorney general; (f) the systems architecture plan and long-range plan of the state education management information system provided by section 121.931; (g) the data element dictionary and the annual

data acquisition calendar of the department of education to the extent provided by section 121.932; (h) the comprehensive statewide plan of the crime control planning board provided in section 299A.03; or (i) occupational safety and health standards provided in section 182.655.

Sec. 2. [14.045] [RULEMAKING PLANNING PROCESS.]

*Subdivision 1. [PURPOSE.] In order to create a coordinated process for developing on an annual basis Minnesota's rulemaking program, establish the state's rulemaking priorities, increase the accountability of agency heads for the rulemaking actions of their agencies, provide for executive and legislative oversight of the rulemaking process, reduce the burdens of existing and future rules, minimize duplication and conflict of rules, and enhance public, executive, and legislative understanding of the state's rulemaking objectives, there is established a rulemaking planning process by which agencies will develop and publish a rulemaking program for each year.*

*Subd. 2. [AGENCY SUBMISSION OF RULEMAKING PROGRAM.] (a) The head of each agency shall submit to the legislative commission to review administrative rulemaking a rulemaking program consisting of information summarizing all actions of the agency relating to rulemaking, planned or underway. These actions include actions taken to consider whether to initiate rulemaking, requests for public comment, the development of documents that may influence, anticipate, or could lead to the commencement of rulemaking at a later date, actions taken to seek new rulemaking authority from the legislature, or any agency action designated by the commission as related to rulemaking. An action relating to rulemaking does not include a contested case proceeding or other agency enforcement proceeding. The rulemaking program must include a concise statement summarizing the need for the proposed rules and the costs and benefits expected to result from the rules that may be proposed. The rulemaking program shall be submitted to the legislative commission each year on January 1, unless otherwise determined by the commission, and shall cover the period January 1 to December 31 of that year. After the end of each regular legislative session, each agency head shall review the agency's rulemaking program in light of action taken by the legislature and, if necessary, shall submit a revised rulemaking program to the commission by July 1.*

*(b) The agency's submission must explain how the proposed rulemaking program is consistent with the agency's authorizing legislation. The rulemaking program must specifically discuss the actions of the agency to amend or repeal existing rules.*

*(c) Each agency head shall summarize the rulemaking actions described in paragraph (a) in the format that the legisla-*

tive commission specifies, and provide additional information that the commission requests.

*The legislative commission may exempt from the requirements of this section any class or category of actions that the commission determines is not necessary to review in order to achieve the effective implementation of the program.*

**Subd. 3. [REVIEW OF THE RULEMAKING PROGRAM.]**

*(a) In reviewing each agency's rulemaking program, the legislative commission shall (i) consider the consistency of the rulemaking program with the legislature's policies and priorities and the rulemaking programs submitted by other agencies; and (ii) identify further actions that may, in the commission's view, be necessary to achieve this consistency. The commission may make recommendations to any agency concerning its rulemaking program. The commission may publish parts or all of any rulemaking program along with the commission's recommendations.*

*(b) If the agency head proposes to take an action relating to rulemaking not previously submitted for review under this section, or if the agency head proposes to take an action relating to rulemaking that is materially different from the action described in the agency's rulemaking program, the agency head shall immediately submit the action to the commission for review. Except in the case of emergency situations, as defined by the commission or statutory or judicial deadlines, the agency head shall not take the proposed rulemaking action until 20 days after this submission to the legislative commission. The commission may make recommendations concerning these proposed rulemaking actions.*

**Subd. 4. [JUDICIAL REVIEW.]** *This section is intended only to improve the internal management of state government, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the state, its agencies, its officers, or any person.*

**Sec. 3. [14.116] [REVIEW OF PROPOSED RULES.]**

**Subdivision 1. [PROPOSED RULEMAKING NOTICE.]** *Before an agency orders the publication of a notice of intent to adopt rules, the agency shall send the legislative commission to review administrative rulemaking a notice of intent to proceed with rulemaking, including adoption, suspension, amendment, or repeal of any rule. The notice shall include the text of the proposed rule. Except in the case of emergency rules or other cases specified by the commission, the agency must wait 30 days for any comment or objections to the proposed rule from the commission before publishing notice of intent to adopt rules. In the case of emergency rules, the agency must wait five working days.*

*Subd. 2. [COMMISSION REVIEW.] (a) The commission shall prescribe procedures for reviewing proposed agency rules and may hold public meetings on proposed rules.*

*(b) Commission meetings must be open to the public. Subject to commission procedures, persons may present oral or written data or views at those meetings. The commission may require a representative of an agency whose proposed rule is under examination to attend a commission meeting to answer relevant questions. The commission may also communicate to the agency its comments on any proposed rule and require the agency to respond to them in writing. Unless impracticable, advance notice must be given of the time and place of each commission meeting and the specific subject matter to be considered.*

*(c) The commission may request the attorney general to issue an opinion on whether or not an agency has statutory authority to adopt a proposed rule. The attorney general shall assure that persons responsible for assisting in the preparation of the opinion are not responsible for advising or assisting the agency in the adoption of the proposed rules. The attorney general shall respond to the commission within ten days of receipt of the commission's request for an opinion.*

*(d)(1) If the commission objects to all or some portion of a proposed rule the commission shall file that objection with the agency proposing the rule and with the revisor of statutes. The filed objection must contain a concise statement of the commission's reasons for its action. The commission shall maintain a permanent register of all objections by the commission.*

*(2) Within 14 days after the commission files an objection to a rule, the issuing agency shall respond in writing to the commission. After receipt of the response, the commission may withdraw or modify its objection.*

*(3) If the agency decides to proceed with adopting the portion of the rule that the commission objects to, the agency must publish notice of the commission's objection as soon as possible in the state register. If the commission does not withdraw its objection and if the agency adopts the rule, existence of the objection shall be indicated adjacent to any rule published in Minnesota Rules.*

*(4) After the commission files an objection that is not subsequently withdrawn, the burden is upon the agency, in any proceeding for judicial review or for enforcement of the rule, to establish that the whole or portion of the rule objected to is procedurally and substantively valid.*



(5) *The failure of the commission to object to a rule is not an implied legislative authorization of its procedural or substantive validity.*

Sec. 4. [14.117] [RULEMAKING ANALYSIS.]

(a) *An agency shall issue a rulemaking analysis of a proposed rule if, within 20 days after the notice of proposed rule adoption under section 14.14, subdivision 1a, or 14.22 is published, a written request for the analysis is filed with the agency by the commission to review administrative rulemaking or the governor.*

(b) *Except to the extent that the written request expressly waives one or more of the following, the rulemaking analysis must contain:*

(1) *a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and classes that will benefit from the proposed rule;*

(2) *a description of the probable quantitative and qualitative impact of the proposed rule, economic and otherwise, upon affected classes of persons;*

(3) *the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;*

(4) *a comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction;*

(5) *a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;*

(6) *a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule; and*

(7) *a description of how the proposed rule is different from any federal laws regulating the same activity, and why it is necessary and reasonable to have different state rules.*

(c) *Each rulemaking analysis must include quantification of the data to the extent practicable and must take account of both short-term and long-term consequences.*

(d) *A concise summary of the rulemaking analysis must be published in the state register and an agency may not proceed*

*with a proposed rulemaking until at least 20 days after publication in the state register.*

*(e) The published summary of the rulemaking analysis must indicate where persons may obtain copies of the full text of the analysis and where, when, and how persons may present their views on the proposed rule and make a written request for a public hearing.*

*(f) If the agency has made a good faith effort to comply with the requirements of clauses (a) to (c), the rule may not be invalidated on the grounds that the contents of the rulemaking analysis are insufficient or inaccurate.*

**Sec. 5. [14.121] [SUSPENSION OF PROCEDURES.]**

*When compliance with the rulemaking provisions of the administrative procedure act would result in a denial of funds or services from the United States government that would otherwise be available to the state, upon written request of an agency, the attorney general, by order, may suspend one or more of the rulemaking provisions of the administrative procedure act. The written request must contain a full explanation of the grounds for the request, and a copy of the request must be sent to persons who have requested to be notified of agency rulemaking actions under section 14.14, subdivision 1a, at the time the request is provided to the attorney general. An order must suspend the minimum number of portions of the administrative procedure act for the minimum time necessary to avoid a denial of federal funds or services. The attorney general must issue an order terminating the suspension as soon as the suspension is no longer necessary to prevent the loss of funds or services from the United States government. The issuance of an order under this section is not subject to chapter 14, except as specifically provided in this section.*

*Before issuing an order suspending provisions of the administrative procedure act, the attorney general must notify the legislative commission to review administrative rulemaking. The notification must include a list of the rulemaking provision that the attorney general intends to suspend and any comments received from members of the public. If any of the rulemaking provisions of the administrative procedure act are suspended under this section, the attorney general shall promptly publish the order of suspension in the state register and report the suspension to the legislative commission to review administrative rules. Notwithstanding any suspension of portions of the rulemaking provisions of the administrative procedure act under this section, an agency must submit proposed rules to the legislative commission to review administrative rulemaking at least five working days before it begins the process of adopting the rules and the commission may object to the rules under section 3.*

*Any suspension issued under this section shall apply only to the agency requesting the suspension and only to the rules required to be adopted, amended, suspended, or repealed. An agency that receives a suspension order or an order terminating a suspension from the attorney general must immediately publish notice of the suspended or reinstated portions of the administrative procedure act in the state register and give immediate notice to all persons whose names are registered with the agency to receive rulemaking notices.*

Sec. 6. Minnesota Statutes 1984, section 14.39, is amended to read:

**14.39 [LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE (RULES) RULEMAKING; COMPOSITION; MEETINGS.]**

*A legislative commission (FOR REVIEW OF ADMINISTRATIVE RULES, CONSISTING OF FIVE SENATORS APPOINTED BY THE COMMITTEE ON COMMITTEES OF THE SENATE AND FIVE REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES) to review administrative rulemaking shall be appointed. The commission consists of the chair of the house rules and legislative administration committee or the chair's designee, the chair of the house governmental operations committee or the chair's designee, a member of the house minority caucus appointed by the house minority leader, the chair of the senate rules and legislative administration committee or the chair's designee, the chair of the senate governmental operations committee or the chair's designee, a member of the minority caucus appointed by the senate minority leader, two members of the house appointed by the speaker, and two members of the senate appointed by the committee on committees. The commission shall meet at the call of its chairman or upon a call signed by two of its members or signed by five members of the legislature. The legislative commission chairmanship shall alternate between the two houses of the legislature every two years.*

Sec. 7. Minnesota Statutes 1985 Supplement, section 14.40, is amended to read:

**14.40 [REVIEW OF RULES BY COMMISSION.]**

*Subdivision 1. [PURPOSES.] The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them.*

*Subd. 2. [REVIEW OF ADOPTED RULES.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with*

section 14.38, subdivisions 5, 6, 7, 8, 9, and 11 or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention. If the rules that are the subject of the public hearing were adopted without a rulemaking hearing, it may request the office of administrative hearings to hold the public hearing and prepare a report summarizing the testimony received at the hearing. The office of administrative hearings shall assess the costs of the public hearing to the agency whose rules are the subject of the hearing.

*Subd. 3. [SUSPENSION OF ADOPTED RULES.]* The commission may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 14.42 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

*Subd. 4. [REVIEW OF PROPOSED RULEMAKING ACTION.]* The commission shall review agency rulemaking programs under section 2. The commission shall review proposed rules as specified in section 3.

*Subd. 5. [OTHER ACTION.]* The commission has jurisdiction to hear complaints alleging that an agency was required to, but did not, comply with rulemaking procedures before taking an action. The commission may hold public hearings to investigate these complaints. The commission may object to an agency action on the ground that the agency was required to, but did not, comply with rulemaking procedures before taking an action.

*The commission must file any objection with the agency taking the action. An agency must submit notice of the objection to the state register within 20 days of receiving the objection from the commission. The agency must respond in writing to the commission concerning the objection. The commission may withdraw or modify its objection. If an objection is withdrawn or modified, the commission shall file notice of this with the agency. The agency must submit notice of the withdrawal or modification to the state register within 20 days of receiving notice.*

*When the commission files an objection that is not withdrawn, the burden is on the agency in any proceeding for judicial review of the action to establish that the action can lawfully be taken without complying with rulemaking procedures. A court shall award reasonable attorney fees to a prevailing party for that portion of a lawsuit in which the court determines that an agency*

*was required to, but did not, comply with rulemaking procedures before taking an action.*

*Subd. 6. [RECOMMENDED LEGISLATION.] The commission may recommend enactment of a statute to improve the operation of an agency. The commission may also recommend that a rule be repealed in whole or in part by statute. The commission shall request the speaker of the house and the majority leader of the senate to refer these recommendations to the appropriate standing committees for their consideration.*

*Subd. 7. [REPORT.] The commission shall make a biennial report to the legislature and governor of its activities and include its recommendations to promote adequate and proper rules and public understanding of the rules.*

*Subd. 8. [STAFF ASSISTANCE.] At the request of the commission, other legislative staff shall assist the commission in carrying out its duties.*

#### Sec. 8. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment. Sections 2 to 7 are effective January 1, 1987, and apply to rulemaking proceedings commenced after that date. Rulemaking planning programs required by section 2 must be submitted January 1, 1987."*

Amend the title as follows:

Page 1, line 3, delete "regulatory" and insert "increased legislative" and after "oversight" insert "of administrative rulemaking" and delete "creating a"

Page 1, line 4, delete everything before "amending" and insert "providing for exceptions to the rulemaking provisions of the administrative procedure act;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2339, A bill for an act relating to public safety; creating the crimes of aggravated unlicensed operation of a motor vehicle in the first, second, third, and fourth degrees; providing for the seizure, impoundment, and forfeiture of a motor vehicle operated by a driver whose license or operating privilege is suspended or revoked; prescribing penalties for

persons who operate unregistered motor vehicles on streets or highways; requiring mandatory imprisonment and other sanctions for persons convicted of driving while under the influence of alcohol or a controlled substance for a third time; amending Minnesota Statutes 1984, sections 168.09, subdivision 1; 168.10, subdivision 4; 169.121, by adding a subdivision; and 171.241; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 1984, section 171.24; Minnesota Statutes 1985 Supplement, section 169.129.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 168.041, is amended to read:

**168.041 [IMPOUNDING REGISTRATION PLATES AND CERTIFICATES.]**

Subdivision 1. When any person is convicted of driving a motor vehicle after the suspension or revocation of the (DRIVERS) *driver's* license or driving privileges of such person, the court shall require the registration plates and registration certificates of any motor vehicle involved in such violation owned by such person or registered in his name to be surrendered to the court. Upon surrender thereof the court shall issue a receipt therefor.

If the violator is not the owner of such motor vehicle, the court shall require the registration plates and the registration certificate of any motor vehicle used by the violator, with the permission of the owner who had knowledge of the fact that the violator's drivers license had been revoked or suspended prior to the commission of the offense, to be surrendered to the court.

Subd. 2. If any person is convicted of violating any law or municipal ordinance, except parking laws or ordinances, regulating the operation of motor vehicles on the streets or highways, and the record of such person so convicted shows a previous conviction for driving after suspension or revocation of his driver's license or driving privileges, the court may direct the commissioner of public safety to suspend the driver's license of such person for not exceeding one year. The court may also require the registration plates and registration certificates of any motor vehicles owned by the violator or registered in his name to be surrendered to the court.

Subd. 3. *Except as otherwise provided in subdivision 3a*, if a person is convicted of any offense which makes mandatory the revocation of the (DRIVERS) *driver's* license of such person, or is convicted of driving a motor vehicle without having a valid driver's license in force, the court may require the

registration plates and registration certificates of any motor vehicle owned by such person or any motor vehicles registered in his name to be surrendered to the court.

*Subd. 3a. If a person's driver's license or driving privileges are revoked pursuant to a third violation of section 169.121 or 169.123 within five years, or a fourth or subsequent violation of section 169.121 or 169.123 within ten years, the court shall require the registration plates and registration certificates of any motor vehicle involved in the violation and owned by or registered in the name of the violator, including vehicles registered jointly in the name of the violator and the violator's spouse, to be surrendered to the court. An impoundment order shall be issued under this subdivision when the person appears in court on any criminal charge or civil driver's license matter arising out of the incident resulting in the most recent license revocation. If no criminal charge or civil license matter is initiated in court, the attorney general may initiate a registration plate and certificate impoundment proceeding, requesting an impoundment order under this subdivision. This proceeding shall be brought in municipal or county court in the jurisdiction where the violation of section 169.121 or 169.123 occurred.*

**Subd. 4. (EXCEPT AS PROVIDED IN SUBDIVISION 6 OR SUBDIVISION 7, THE COURT SHALL RETAIN CUSTODY OF THE SURRENDERED PLATES AND CERTIFICATES)** Any registration plates surrendered to the court pursuant to this section shall be destroyed by the court. Any registration certificates surrendered to the court shall be forwarded to the registrar of motor vehicles by the court. Except as provided in subdivision 5a, 6, or 7, no new registration plates may be issued to the person, violator, or owner until such time as the (DRIVERS) driver's license of the person, violator, or owner has been reissued or reinstated.

**Subd. 5.** At the time of ordering the surrender of the registration plates and registration certificates of (A) the person, violator, or owner, the court shall notify the registrar of motor vehicles of that fact. (EXCEPT AS PROVIDED IN SUBDIVISION 6 OR SUBDIVISION 7, NO NEW OR DUPLICATE REGISTRATION PLATES OR NEW REGISTRATION CERTIFICATES SHALL BE ISSUED TO SUCH VIOLATOR OR OWNER UNTIL HIS PLATES AND CERTIFICATES ARE RETURNED TO HIM BY THE COURT.) The registration plates shall be destroyed by the court within three days of the date of surrender. When the registration plates are destroyed, the court shall notify the registrar of motor vehicles of that fact.

*Subd. 5a. If the driver's license revocation which is the basis for a registration plate and certificate impoundment order is rescinded, upon application to the registrar of motor vehicles, the person whose registration plates and certificates have been*

*impounded shall receive new plates and the certificate for the impounded vehicle at no cost. The application shall include a copy of the order rescinding the driver's license revocation.*

Subd. 6. Any such person, violator, or owner may apply to the (REGISTRAR OF MOTOR VEHICLES) court which ordered the surrender of registration plates and certificates for new registration plates which shall bear a special series number which may be readily identified by traffic law enforcement officers. (A FEE OF \$5 SHALL ACCOMPANY THE APPLICATION. THE REGISTRAR OF MOTOR VEHICLES SHALL FORTHWITH NOTIFY THE COURT OF SUCH APPLICATION. THE COURT MAY RETURN THE REGISTRATION CERTIFICATE OF SUCH VIOLATOR OR OWNER TO THE REGISTRAR OF MOTOR VEHICLES, TOGETHER WITH ITS CONSENT TO THE ISSUANCE OF SUCH REGISTRATION PLATES TO SUCH VIOLATOR OR OWNER. THEREUPON THE REGISTRAR OF MOTOR VEHICLES SHALL ISSUE SUCH NEW REGISTRATION PLATES.) *The court may authorize the issuance of special plates if (1) a member of the person's, violator's, or owner's household has a valid driver's license, or (2) the person, violator, or owner has a limited license issued pursuant to section 171.30. If the court authorizes the issuance of special plates, it shall notify the registrar of motor vehicles and the registrar shall issue the special plates upon payment of a \$100 fee for each vehicle for which special plates are requested. Until the (DRIVERS) driver's license of such person, violator, or owner is reinstated or reissued, any new registration plates issued to him or to an owner whose plates have been (IMPOUNDED) ordered surrendered shall bear a special series number.*

Subd. 7. If (AN) the owner wishes to sell a motor vehicle during the time its registration plates and registration certificate (ARE IMPOUNDED) have been ordered surrendered or during the time its registration plates bear a special series number, he may apply to the court which (IMPOUNDED) ordered the surrender of such plates and certificate, for consent to transfer title to the motor vehicle. If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that the owner will thereby be deprived of the custody and control of the motor vehicle, and that the sale is not for the purpose of circumventing the provisions of this section, it may certify its consent to the registrar of motor vehicles (AND RETURN THE IMPOUNDED REGISTRATION PLATES AND CERTIFICATES. IF DURING) *The registrar shall then transfer the registration certificate to the new owner upon proper application and shall issue new registration plates to the new owner. After the (TIME THE) registration plates and certificate of registration (ARE IMPOUNDED) have been surrendered to the court pursuant to this section, if the title to said motor vehicle is transferred by the foreclosure of a chattel mortgage, the cancelation of a conditional sales contract, a sale upon execution, or by decree or*



order of a court of competent jurisdiction, the court shall order the (LICENSE PLATES AND) registration certificate surrendered to the new owner (AND NOTIFY THE REGISTRAR OF MOTOR VEHICLES OF SUCH ACTION). The registrar of motor vehicles shall then transfer the registration (PLATES AND REGISTRATION) certificates to the new owner *and shall issue new registration plates to the new owner.*

Subd. 8. Nothing contained in this section is intended to change or modify any provision of this chapter, with respect to the taxation of motor vehicles or the time within which the taxes thereon shall be paid.

Subd. 9. Any person who fails to surrender any (IMPOUNDED) registration plates or registration certificates to the court upon demand *pursuant to this section* or who operates any motor vehicle on a street or highway at a time when a court has ordered the surrender of its registration plates and registration certificate is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1984, section 169.121, is amended by adding a subdivision to read:

*Subd. 3a. [HABITUAL OFFENDER PENALTIES.] A person convicted of violating this section or an ordinance in conformity with it within ten years of two or more prior convictions under this section, section 169.129, an ordinance in conformity with either of them, or a statute or ordinance from another state in conformity with either of them, must be sentenced to not more than the maximum sentence authorized by subdivision 2 and as follows:*

*(1) to a mandatory minimum term of imprisonment of not less than 30 days;*

*(2) to payment of a fine of not less than \$1,000; and*

*(3) to compulsory attendance at a chemical dependency treatment program.*

*A defendant convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, or supervised release until that person has served the full mandatory minimum term of imprisonment for which that person is sentenced, notwithstanding sections 242.19, 243.05, 244.04, 609.12, and 609.135.*

Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 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 public safety; providing for the mandatory surrender of registration plates and certificates on motor vehicles operated by repeat DWI offenders; imposing mandatory minimum penalties on habitual DWI offenders; amending Minnesota Statutes 1984, sections 168.041; and 169.121, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1319, A bill for an act relating to motor vehicles; removing liability of motor vehicle lessors for unpaid citations for traffic violations committed by operators of leased or rented motor vehicles; proposing coding for new law in Minnesota Statutes, chapter 168.

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

The report was adopted.

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

S. F. No. 1612, A bill for an act relating to insurance; changing certain incorporation requirements for domestic insurance corporations; changing certain investment requirements for life insurance companies; amending Minnesota Statutes 1984, sections 60A.07, subdivision 1; and 61A.282, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 13.71, is amended by adding a subdivision to read:

*Subd. 5. [DATA ON INSURANCE COMPANIES AND TOWNSHIP MUTUAL COMPANIES.] The following data collected and maintained by the department of commerce are classified as nonpublic data:*

*(a) that portion of any of the following data which would identify the affected insurance company or township mutual com-*

pany: (1) any order issued pursuant to section 60A.031, subdivision 5, or section 67A.241, subdivision 4, and based in whole or in part upon a determination or allegation by the commerce department or commissioner that an insurance company or township mutual company is in an unsound, impaired, or potentially unsound or impaired condition; or (2) any stipulation, consent agreement, letter agreement, or similar document evidencing the settlement of any proceeding commenced pursuant to an order of a type described in clause (1), or an agreement between the department and an insurance company or township mutual company entered in lieu of the issuance of an order of the type described in clause (1);

(b) any correspondence or attachments relating to the data listed in this subdivision.

Sec. 2. Minnesota Statutes 1984, section 60A.07, subdivision 1, is amended to read:

Subdivision 1. [INCORPORATION.] Except when the manner of organization is specifically otherwise provided in sections dealing with (SUCH) these insurers, domestic insurance corporations shall be organized under and governed by chapter 300 (AND). The articles or certificate of incorporation (SHALL BE AS REQUIRED UNDER MINNESOTA STATUTES 1965,) must meet the requirements of section 300.025, except section 300.025, clause (7).

Sec. 3. Minnesota Statutes 1984, section 61A.282, subdivision 1, is amended to read:

61A.282 [INVESTMENTS IN NAME OF COMPANY OR NOMINEE AND PROHIBITIONS.]

Subdivision 1. [REQUIREMENTS.] A company's investments shall be held in its corporate name or its nominee name, except that:

(a) Investments may be held in the name of a clearing corporation or of a custodian bank or in the name of the nominee of either under the following conditions:

(1) The clearing corporation, custodian bank, or nominee must be legally authorized to hold the particular investment for the account of others;

(2) Where the investment is evidenced by a certificate and held in the name of a custodian bank or the nominee of a custodian bank, a written agreement shall provide that certificates so deposited shall at all times be kept separate and apart from other deposits with the depository, so that at all times they may be identified as belonging solely to the company making the deposit; or

(3) Where a clearing corporation is to act as depository, the investment may be merged or held in bulk in the clearing corporation's name, or in the name of its nominee, together with any other investments deposited with the clearing corporation by any other person, if a written agreement provides that adequate evidence of the deposit will be obtained and retained by the company or a custodian bank.

As used in this subdivision, ("CLEARING CORPORATION" MEANS THE DEPOSITORY TRUST COMPANY AND, WITH THE APPROVAL OF THE COMMISSIONER, ANY OTHER CLEARING CORPORATION AS DEFINED IN SECTION 336.-8-102;) the term "custodian bank" means a bank or trust company licensed by the United States or any state thereof.

(b) A company may participate, through a bank or trust company which is a member of the Federal Reserve System, in the Federal Reserve's book-entry system, if the records of the member bank or trust company at all times show that the investments are held for the company and/or for specific accounts of the company.

(c) If an investment consists of an individual interest in a pool of obligations, or of a fractional interest in a single obligation, the certificate of participation or interest, or the confirmation of participation or interest in the investment, shall be held in the manner set forth in paragraph (a) or held in the name of the company.

(d) Where an investment is not evidenced by a certificate, except as provided in paragraph (b), adequate evidence of the company's investment shall be obtained from the issuer or its transfer or recording agent and retained by the company, a custodian bank, or clearing corporation. Adequate evidence, for purposes of this section, shall mean a written receipt or other verification issued by the depository or issuer or a custodian bank which shows that the investment is held for the company. Transfers of ownership of investments held as described in paragraphs (a) (3), (b), and (c) may be evidenced by bookkeeping entry on the books of the issuer of the investment or its transfer or recording agent or the clearing corporation without physical delivery of certificates, if any, evidencing the company's investment.

#### Sec. 4. [62F.041] [HOSPITALS AND NURSING HOMES.]

*Subdivision 1. The association is authorized to issue medical malpractice insurance on a primary basis to hospitals and nursing homes which are unable to obtain coverage in the voluntary market. Issuance of these coverages is not subject to the hearing requirement set forth in section 62F.04, subdivision 1, but shall be otherwise governed by the provisions of section 62F.*

*Subd. 2. This section shall expire on June 30, 1987.*

Sec. 5. Minnesota Statutes 1984, section 62F.06, subdivision 1, is amended to read:

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

Sec. 6. Minnesota Statutes 1984, section 62F.09, is amended to read:

**62F.09 [STABILIZATION RESERVE FUND.]**

Subdivision 1. There is created a stabilization reserve fund administered by (THREE DIRECTORS, AS FOLLOWS: THE COMMISSIONER; A REPRESENTATIVE OF THE ASSOCIATION APPOINTED BY THE COMMISSIONER; AND A REPRESENTATIVE OF THE POLICYHOLDERS OF THE ASSOCIATION, APPOINTED BY THE COMMISSIONER.)

(SUBD. 2. THE DIRECTORS SHALL ACT BY MAJORITY VOTE WITH TWO DIRECTORS CONSTITUTING A QUORUM FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OF THE FUND. THE DIRECTORS SHALL SERVE WITHOUT SALARY, BUT SHALL BE REIMBURSED FOR EXPENSES IN THE MANNER PROVIDED FOR STATE EMPLOYEES. THE DIRECTORS SHALL NOT BE SUBJECT TO PERSONAL LIABILITY OR ACCOUNTABILITY IN THE ADMINISTRATION OF THE FUND) *the association or its designee.*

Subd. (3) 2. Each policyholder shall pay to the association a stabilization reserve fund charge of 33 percent of each premium payment due for insurance through the association. This charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

Subd. (4) 3. The association shall promptly pay into the stabilization reserve fund charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan.

Subd. (5) 4. All moneys paid into the fund shall be held in trust by a corporate trustee selected by the directors. The corporate trustee may invest the moneys held in trust, subject to the approval of the (DIRECTORS) association. All (INVESTMENT INCOME) gains or losses from the investment of stabilization reserve fund money shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. (THE MONEYS HELD IN TRUST) *Stabilization reserve fund money* shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan. Payment of retrospective premium charges shall be made (BY THE DIRECTORS) upon certification (TO THEM) by the association of the amount due. If all moneys accruing to the fund are exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall terminate and shall be conclusively presumed to have been discharged. Any moneys remaining in the fund after all retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the (DIRECTORS) association.

Sec. 7. Minnesota Statutes 1985 Supplement, section 64B.01, is amended to read:

#### 64B.01 [FRATERNAL BENEFIT SOCIETIES.]

Any incorporated society, order, or supreme lodge, without capital stock, including one exempted under section 64B.38, subdivision 1, clause (2), whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work or branch system that confines its membership to any one religious denomination, having a representative form of government, and which provides benefits in accordance with this chapter, is hereby declared to be a fraternal benefit society.

Sec. 8. Minnesota Statutes 1985 Supplement, section 64B.03, is amended to read:

#### 64B.03 [REPRESENTATIVE FORM OF GOVERNMENT.]

(a) A society has a representative form of government when it has a supreme governing body constituted in one of the following ways:

(1) The supreme governing body is an assembly composed of delegates elected directly by the members or at intermediate assemblies or conventions of members or their representatives, together with other delegates as may be prescribed in the

society's laws. A society may provide for election of delegates by mail. The elected delegates shall constitute a majority in number and shall not have less than two-thirds of the votes and not less than the number of votes required to amend the society's laws. The assembly shall be elected and shall meet at least once every four years and shall elect a board of directors to conduct the business of the society between meetings of the assembly. Vacancies on the board of directors between elections may be filled in the manner prescribed by the society's laws.

(2) The supreme governing body is a board composed of persons elected by the members, either directly or by their representatives in intermediate assemblies, and any other persons prescribed in the society's laws. A society may provide for election of the board by mail. Each term of a board member may not exceed four years. Vacancies on the board between elections may be filled in the manner prescribed by the society's laws. Those persons elected to the board shall constitute a majority in number and not less than the number of votes required to amend the society's laws. A person filling the unexpired term of an elected board member shall be considered to be an elected member. The board shall meet at least quarterly to conduct the business of the society.

(b) A society has a representative form of government when the officers of the society are elected either by the supreme governing body or by the board of directors.

(c) A society has a representative form of government when only benefit members are eligible for election to the supreme governing body (,) and the board of directors (, OR ANY INTERMEDIATE ASSEMBLY).

(d) A society has a representative form of government when each voting member shall have one vote and no vote may be cast by proxy.

Sec. 9. Minnesota Statutes 1984, section 65B.06, subdivision 3, is amended to read:

Subd. 3. With respect to all automobiles not included in subdivisions 1 and 2, the facility shall provide:

(1) Only the insurance coverage required by law;

(2) For the equitable distribution of qualified applicants for this coverage among the participating members in accord with the applicable participation ratio; and

(3) *For a school district or contractor transporting school children under contract with a school district, that amount of*

*automobile liability insurance coverage, not to exceed \$1,000,000, required by the school district by resolution or contract, or that portion of such \$1,000,000 of coverage for which the school district or contractor applies and for which it is eligible under section 65B.10.*

Sec. 10. Minnesota Statutes 1984, section 245.814, is amended to read:

**245.814 [LIABILITY INSURANCE FOR FOSTER PARENTS.]**

*Subdivision 1.* The commissioner of human services shall within the appropriation provided purchase and provide insurance to foster parents to cover their liability for:

(1) injuries or property damage caused or sustained by foster children in their home; and

(2) actions arising out of alienation of affections sustained by the natural parents of a foster child.

*Subd. 2.* Coverage shall apply to all foster boarding homes licensed by the department of human services, licensed by a federally recognized tribal government, or established by the juvenile court and certified by the commissioner of corrections pursuant to section 260.185, subdivision 1, clause (c) (5), to the extent that the liability is not covered by the provisions of the standard homeowner's or automobile insurance policy. The insurance shall not cover property owned by the foster parents, damage caused intentionally by a child over 12 years of age, or property damage arising out of business pursuits or the operation of any vehicle, machinery, or equipment.

*Subd. 3.* If the commissioner of human services is unable to obtain insurance through ordinary methods for coverage of foster parents, the appropriation shall be returned to the general fund and the state shall pay claims subject to the following limitations.

(a) Compensation shall be provided only for injuries, damage, or actions set forth in subdivision 1.

(b) Compensation shall be subject to the conditions and exclusions set forth in subdivision 2.

(c) The state shall provide compensation for bodily injury, property damage, or personal injury resulting from the foster parent's activities as a foster parent while the foster child is in



*the care, custody, and control of the foster parent in an amount not to exceed \$250,000 for each occurrence.*

*(d) The state shall provide compensation for damage or destruction of property caused or sustained by a foster child in an amount not to exceed \$250 for each occurrence.*

*(e) The compensation in clauses (c) and (d) is the total obligation for all damages because of each occurrence regardless of the number of claims made in connection with the same occurrence, but compensation applies separately to each foster home. The state shall have no other responsibility to provide compensation for any injury or loss caused or sustained by any foster parent or foster child.*

*This coverage is extended as a benefit to foster parents to encourage care of children who need out-of-home care. Nothing in this section shall be construed to mean that foster parents are agents or employees of the state nor does the state accept any responsibility for the selection, monitoring, supervision, or control of foster parents which is exclusively the responsibility of the counties which shall regulate foster parents in the manner set forth in the rules of the commissioner of human services.*

#### Sec. 11. [EFFECTIVE DATE.]

*Sections 1 to 10 are effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to insurance; changing certain incorporation requirements for domestic insurance corporations; classifying certain data collected by the commissioner of commerce as nonpublic data; changing certain investment requirements for life insurance companies; authorizing joint underwriting association issuance of insurance to hospitals and nursing homes; providing liability insurance for foster parents; regulating fraternal benefit societies; allowing the Minnesota automobile insurance plan to write liability insurance on school buses up to \$1,000,000; redefining cost for purpose of insurance company bidding for government contracts; amending Minnesota Statutes 1984, sections 60A.07, subdivision 1; 61A.282, subdivision 1; 65B.06, subdivision 3; 62F.06, subdivision 1; 62F.09; and 245.814; Minnesota Statutes 1985 Supplement, sections 13.71, by adding a subdivision; 64B.01; and 64B.03; proposing coding for new law in Minnesota Statutes, chapter 62F."*

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 804, 1776, 1846, 1869, 1887, 1890, 1917, 1919, 1958, 2141, 2197, 2198, 2263, 2265, 2267 and 2339 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1319 and 1612 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Ozment, Welle and Marsh introduced:

H. F. No. 2429, A bill for an act relating to transportation; adding new route to trunk highway system in substitution of existing route; allowing old highway to be turned back to city of Willmar; permitting commissioner of transportation to exchange transportation facilities under conditions of clear public benefit; providing for variance from rules for certain tank motor vehicles; providing that the use of certain high occupancy lanes and exclusive bus lanes by vehicles carrying more than one person to be considered by commissioner of transportation; directing revisor of statutes to make route substitutions; amending Minnesota Statutes 1985 Supplement, sections 161.20, subdivision 2; and 221.033, subdivision 3; and Laws 1974, chapter 151, section 3.

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

Zaffke, by request, introduced:

H. F. No. 2430, A bill for an act relating to dogs; prohibiting certain dog houses; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 347.

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

Waltman introduced:

H. F. No. 2431, A bill for an act relating to public assistance; requiring the provision of general assistance medical assistance to certain persons in hospitals; amending Minnesota Statutes 1985 Supplement, section 256D.03, subdivision 4.

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

Stanius introduced:

H. F. No. 2432, A bill for an act relating to health; authorizing the commissioner of commerce to regulate the financial affairs of health maintenance organizations; requiring the commissioner of health to approve quality assurance programs in health maintenance organizations; prohibiting exclusive dealing agreements; requiring certain medical assistance recipients to enroll in pre-paid health plans; amending Minnesota Statutes 1984, sections 62D.03; 62D.04, as amended; 62D.05, by adding a subdivision; 62D.08; 62D.14; 62D.15, subdivision 1, and by adding a subdivision; 62D.16; 62D.17; 62D.20; 62D.21; 72A.20, by adding a subdivision; 256.045, subdivision 3, and by adding a subdivision; and 256B.02, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 252.27, subdivision 2; and 256D.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 62D and 256B; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; and 256.966, subdivision 2.

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

Sherman and Johnson introduced:

H. F. No. 2433, A bill for an act relating to solid waste disposal; deferring the application of certain Minnesota pollution control agency rules for certain counties until September 1, 1988.

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

Kostohryz, Osthoff, Jacobs, Begich and Elioff introduced:

H. F. No. 2434, A bill for an act relating to economic development; establishing a state lottery; creating a state lottery board; prescribing its powers and duties; providing for the disposition of revenues from the state lottery; creating certain funds in the state treasury; appropriating money; providing penalties; proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5, which prohibits lotteries; amending Minnesota Statutes 1984, sections 290.61; 290.92, by adding a subdivision; 297A.43; Minnesota Statutes 1985 Supplement, section 290.17, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 349A.

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

Otis, Scheid, Ogren, Brandl and Burger introduced:

H. F. No. 2435, A resolution memorializing the President and Congress of the United States to adopt legislation preventing state and local governments from providing corporate welfare.

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

Knickerbocker introduced:

H. F. No. 2436, A bill for an act relating to retirement; early retirement; extending the time for retirement under the Rule of 85; amending Minnesota Statutes 1985 Supplement, section 356.70, subdivision 1.

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

Redalen and Uphus introduced:

H. F. No. 2437, A bill for an act relating to taxation; requiring the board of equalization to use involuntary sales in the sales ratio study under certain conditions; requiring certificates of value to be recorded by 90 days after a sale; amending Minnesota Statutes 1984, sections 270.12, subdivision 2; and 272.115, subdivision 1.

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

Welle and Johnson introduced:

H. F. No. 2438, A bill for an act relating to transportation; providing an alternative procedure to record town roads; proposing coding for new law in Minnesota Statutes, chapter 164.

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

Wynia, Vellenga, Rodosovich, McLaughlin and Piper introduced:

H. F. No. 2439, A bill for an act relating to human services; requiring nursing home providers to refund excess charges within a certain time period; providing for treble damages.

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

Heap, Brandl, Levi, Norton and Wynia introduced:

H. F. No. 2440, A bill for an act relating to appropriations; changing the recipient of a grant for development of an invention support system; amending Laws 1985, first special session chapter 13, section 28, subdivision 7.

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

Blatz introduced:

H. F. No. 2441, A bill for an act relating to criminal procedure; providing for joinder of trials when two or more defendants are charged with criminal sexual conduct; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Ellingson, Riveness, Scheid, Segal and Carlson, L., introduced:

H. F. No. 2442, A bill for an act relating to Hennepin county; creating a county housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Hennepin county; providing for local approval of projects.

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

Price and Beard introduced:

H. F. No. 2443, A bill for an act relating to economic development; creating the district 56 development association and providing for the powers and administration of the association; proposing coding for new law as Minnesota Statutes, chapter 116N.

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

Ogren and Murphy introduced:

H. F. No. 2444, A bill for an act relating to the city of Cloquet; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

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

Tjornhom, Ogren, Marsh and O'Connor introduced:

H. F. No. 2445, A bill for an act relating to corporations; regulating derivative suits; authorizing board-appointed and court-appointed committees; regulating dissolution; amending Minnesota Statutes 1984, sections 302A.243; and 302A.751, by adding a subdivision.

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

Tjornhom and Riveness introduced:

H. F. No. 2446, A bill for an act relating to transportation; municipal state-aid streets; authorizing cities to use municipal state-aid funds to purchase emergency traffic light systems; amending Minnesota Statutes 1984, section 162.14, subdivision 2.

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

Sarna, Osthoff, Bennett, Stanius and Carlson, D., introduced:

H. F. No. 2447, A bill for an act relating to game and fish; dedicating revenues from the fishing license surcharge, small game surcharge, migratory waterfowl stamp, pheasant stamp, and trout and salmon stamp; requiring preparation and presentation of work plans before fishing license surcharge appropriation is spent; clarifying allowed administrative expenses from dedicated receipts; amending Minnesota Statutes 1984, sections 97.4841, subdivision 4; 97.4842, subdivision 3; 97.4843, subdivision 4; 97.49, subdivision 1; and 97.86, subdivisions 1 and 2.

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

Thiede introduced:

H. F. No. 2448, A bill for an act relating to civil actions; limiting the amount of damages for noneconomic loss; proposing coding for new law in Minnesota Statutes, chapter 549.

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

Vanasek introduced:

H. F. No. 2449, A bill for an act relating to game and fish; revocation and ineligibility for game and fish licenses upon certain convictions; amending Minnesota Statutes 1984, section 98.52, by adding a subdivision.

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

Voss; Quinn; Carlson, L., and Price introduced:

H. F. No. 2450, A bill for an act relating to insurance; creating a joint underwriting association; requiring participation by insurers; proposing new law coded as Minnesota Statutes, chapter 62I.

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

Sviggum introduced :

H. F. No. 2451, A bill for an act relating to crimes; providing a penalty for assaulting correctional officers; amending Minnesota Statutes 1985 Supplement, section 609.2231, subdivision 1.

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

Osthoff introduced :

H. F. No. 2452, A bill for an act relating to the city of Saint Paul; providing for the redesign, reconstruction and widening of Lexington avenue south of Larpenteur avenue; amending Laws 1977, chapter 402, section 2.

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

Rodosovich introduced :

H. F. No. 2453, A bill for an act relating to state lands; authorizing conveyance of certain state easement.

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

Sherman and Johnson introduced :

H. F. No. 2454, A bill for an act relating to solid waste disposal; providing assistance to Winona county; appropriating money.

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

Peterson introduced :

H. F. No. 2455, A bill for an act relating to taxation; rescinding the repeal of the income tax exclusion for interest earned on certain family farm security loans; exempting certain shelterbelts from taxation and replacing revenue lost due to the exemption; delaying payment date for second half property taxes on



agricultural property; exempting gain realized on an involuntary discharge of indebtedness relating to property used in a family farm; appropriating money; amending Minnesota Statutes 1984, sections 272.02, by adding a subdivision; 276.09; 276.10; 278.03; and 290.16, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 41.55; 272.02, subdivision 1; 278.05, subdivision 5; 279.01, subdivision 1; 290.01, subdivisions 20a and 20b; 290.091, subdivision 2; 290.491; and Laws 1985, first special session chapter 14, article 1, section 59.

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

Peterson introduced:

H. F. No. 2456, A bill for an act relating to conservation; requiring county soil loss ordinances to be adopted; requiring approval of soil loss ordinances by the commissioner of agriculture; prohibiting removal of conservation practices implemented with cost-sharing funds; authorizing remedies and penalties for removing certain conservation practices; making certain conservation practices easements on the land; prohibiting burning or tilling road right-of-ways unless vegetative cover is being established; requiring a report on road right-of-way mowing and grass strip maintenance on drainage ditches; amending Minnesota Statutes 1985 Supplement, sections 40.20; 40.21, subdivision 1; 40.26; 40.28; and 160.232; proposing coding for new law in Minnesota Statutes, chapter 40; repealing Minnesota Statutes 1984, section 40.27.

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

Peterson introduced:

H. F. No. 2457, A bill for an act relating to agriculture; increasing the amount of an agricultural or business loan subject to usury limits; modifying exemptions; requiring notices; providing remedies for failing to notify; exempting family farm corporations from usurious defense prohibitions; extending program to provide a mechanism to aid restructuring of existing farm loans and to provide for partial payment of interest on loans to farmers; amending Minnesota Statutes 1984, sections 334.01, subdivision 2; and 334.011; Minnesota Statutes 1985 Supplement, section 334.021; Laws 1985, chapter 4, sections 2; 6, subdivisions 2, 3, and 4, as amended; 8; 10; and 11.

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

Peterson introduced :

H. F. No. 2458, A bill for an act relating to agriculture; requiring data collection and reports on the state's farmers' financial condition and farm ownership; requiring the farmers' percentage of food retail price to be labeled on foods; establishing a program to facilitate buyers and sellers of premium quality agricultural commodities; investigating feasibility of premium quality agricultural markets; requiring a report to the legislature; amending Minnesota Statutes 1984, section 31.12; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Uphus, McDonald, Piepho and Kalis introduced :

H. F. No. 2459, A bill for an act relating to taxation; reducing the tax credit for agricultural alcohol gasoline; providing for payments to producers of agricultural alcohol; appropriating money; amending Minnesota Statutes 1985 Supplement, section 296.02, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 41A.

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

Valan and Anderson, G., introduced :

H. F. No. 2460, A bill for an act relating to agriculture; establishing a program of state-guaranteed real estate and operating loans for certain beginning and reentering farmers; authorizing issuance of bonds; proposing coding for new law as Minnesota Statutes, chapter 41B.

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

Burger and Clark introduced :

H. F. No. 2461, A bill for an act relating to health; requiring licensure to practice naturopathy; providing for conditions of licensure; qualifications and exemptions; establishing a state board of naturopathic examiners; providing for discipline and penalties; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Voss introduced:

H. F. No. 2462, A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, article VI, by adding a section to provide for a legislative commission on attorney discipline; implementing the commission process; proposing coding for new law in Minnesota Statutes, chapter 481; repealing Minnesota Statutes 1984, section 481.15.

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

Voss introduced:

H. F. No. 2463, A bill for an act relating to courts; proposing an amendment to the Minnesota Constitution, article VI, by adding a section to provide for a legislative commission on judicial discipline; implementing the commission process; proposing coding for new law in Minnesota Statutes, chapter 490; repealing Minnesota Statutes 1984, sections 490.15; 490.16; and 490.18.

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

Omann introduced:

H. F. No. 2464, A bill for an act relating to the city of Bowlus; permitting the city to exceed its debt limit for a firehall.

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

McKasy introduced:

H. F. No. 2465, A bill for an act relating to taxation; modifying the taconite homestead credit; providing a taconite credit for certain property; reducing the occupation tax rate; allowing full deduction of the production tax and certain transportation expenses in calculating the occupation tax; decreasing the production tax rate; eliminating the indexed increases in the taconite production tax rate; changing the distribution of the taconite production tax in certain areas; amending Minnesota Statutes 1984, sections 273.135, subdivision 5, and by adding a subdivision; 294.23; 298.24, subdivision 1; Minnesota Statutes 1985 Supplement, sections 273.135, subdivisions 1 and 2; 294.22; 298.01, subdivision 1; 298.03; and 298.28, subdivision 1.

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

Sviggum introduced:

H. F. No. 2466, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and recreation areas.

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

Schreiber introduced:

H. F. No. 2467, A bill for an act relating to taxation; tax increment financing; modifying the computation of school aids for districts receiving excess increments; modifying the definition and duration of tax increment financing districts; modifying procedures; limiting the purposes for which tax increments may be expended; providing for reimbursement of county expenses; amending Minnesota Statutes 1984, sections 124.214, by adding a subdivision; 273.73, subdivision 10; 273.74, subdivision 4; 273.75, subdivisions 2, 6, and by adding subdivisions; 273.76, subdivisions 4, 7, and by adding a subdivision; 273.78; 475.51, subdivision 5; Minnesota Statutes 1985 Supplement, sections 273.74, subdivisions 2 and 3; 273.75, subdivisions 1 and 4; and 273.76, subdivision 1.

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

Carlson, J., introduced:

H. F. No. 2468, A bill for an act relating to historical associations; providing procedures and limits for certain state assistance; amending Minnesota Statutes 1984, sections 138.92; and 138.93.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 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, sections 144.072, subdivision 2; and 256B.431, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 628, A bill for an act relating to game and fish; enhancement of fish and wildlife; planning and implementation of wildlife management; conservation of marginal agricultural lands; habitat management; aspen recycling program; appropriating money; amending Minnesota Statutes 1984, sections 97.49, subdivision 3; 97.55, by adding a subdivision; 98.52, by adding a subdivision; 290.431; and 296.421, subdivisions 4 and 5; Laws 1985, chapter 4, section 10; proposing coding for new law in Minnesota Statutes, chapters 40, 84, and 88.

The Senate has appointed as such Committee Peterson, R. W.; Bernhagen; Merriam; Benson and DeCramer.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has discharged the present Conference Committee and appointed a new committee on the following Senate File:

S. F. No. 5, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, purchase, consumption, possession, and furnishing of alcoholic beverages; establishing programs for education on avoidable health risks related to alcohol and other drugs; increasing the fee for the reinstatement of drivers licenses revoked for alcohol-related violations; appropriating money; amending Minnesota Statutes 1984, sections 171.29, subdivision 2; 340.02, subdivision 8; 340.035, subdivision 1; 340.039; 340.119, subdivision 2; 340.13, subdivision 12; 340.-403, subdivision 3; 340.73, subdivision 1; 340.731; 340.732; 340.-79; and 340.80.

The Senate has appointed as such Committee Diessner; Purfeerst and Johnson, D. E.

Senate File No. 5 is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Schafer moved that the present House Conference Committee of 5 members on S. F. No. 5 be discharged, that the Speaker appoint a new Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 5:

Schafer, Gutknecht and Kelly.

#### CONSENT CALENDAR

S. F. No. 1575, A bill for an act relating to local improvements; permitting counties to make certain improvements anywhere within their territory; amending Minnesota Statutes 1984, section 429.011, subdivision 5; Minnesota Statutes 1985 Supplement, section 429.061, 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 111 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dyke	Krueger	Olson, E.	Rose
Backlund	Eljoff	Levi	Omann	Sarna
Battaglia	Erickson	Lieder	Onnen	Schafer
Beard	Fjoslien	Long	Ozment	Schoenfeld
Becklin	Forsythe	Marsh	Pappas	Schreiber
Begich	Frederick	McDonald	Pauly	Seaberg
Bennett	Frederickson	McEachern	Peterson	Segal
Bishop	Frerichs	McLaughlin	Piepho	Shaver
Blatz	Greenfield	Metzen	Piper	Sherman
Boerboom	Gruenes	Miller	Poppenhagen	Simoneau
Boo	Halberg	Minne	Price	Skoglund
Brandl	Hartinger	Munger	Quinn	Solberg
Brinkman	Hartle	Murphy	Quist	Stanisus
Brown	Himle	Nelson, D.	Redalen	Staten
Burger	Jacobs	Nelson, K.	Rees	Svigum
Carlson, J.	Jennings, L.	Neuenschwander	Rest	Thiede
Carlson, L.	Kiffmeyer	Norton	Rice	Thorson
Clausnitzer	Knickerbocker	O'Connor	Richter	Tjornhom
Dempsey	Knuth	Ogren	Riveness	Tompkins
DenOuden	Kostohryz	Olsen, S.	Rodosovich	Uphus

Valan  
Valento  
Vanasek

Velleaga  
Voss

Waltman  
Welle

Wenzel  
Wynia

Zaffke  
Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 1587, A bill for an act relating to public indebtedness; permitting home rule charter and statutory cities and towns to incur debt for warning systems; amending Minnesota Statutes 1984, section 475.52, subdivision 1; and Minnesota Statutes 1985 Supplement, section 366.095.

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 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for Thursday, February 27, 1986:

S. F. No. 1600; H. F. Nos. 1807, 1926, 1928, 1991, 2014, 1635, 1730, 1850, 1886, 1940, 1969, 1978, 1984, 2035, 2044, 2081, 2082, 1781, 1835, 2009, 2011 and 2012; and S. F. No. 1597.

### SPECIAL ORDERS

S. F. No. 1600 was reported to the House.

Blatz moved to amend S. F. No. 1600, as follows:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1984, section 259.10, is amended to read:

#### 259.10 [PROCEDURE.]

A person who shall have resided in (ANY COUNTY) *this state* for (ONE YEAR) *six months* may apply to the district court (THEREOF) *in the county where the person resides* to have his name, the names of his minor children, if any, and the name of his spouse, if the spouse joins in the application, changed in the manner herein specified. He shall state in his application the name and age of his spouse and each of his children, if any, and shall describe all lands in the state in or upon which he, his children and his spouse if their names are also to be changed by the application, claim any interest or lien, and shall appear personally before the court and prove his identity by at least two witnesses. If he be a minor, the application shall be made by his guardian or next of kin. Every person who, with intent to defraud, shall make a false statement in any such application shall be guilty of a misdemeanor provided, however, that no minor child's name may be changed without both of his parents having notice of the pending of the application for change of name, whenever practicable, as determined by the court."

Page 2, after line 31, insert:

"Sec. 4. [EFFECTIVE DATE.]

*Section 1 is effective the day following final enactment."*

Renumber the sections accordingly

Amend the title as follows:

Page 1, line 2, insert after the semicolon "reducing the statutory time of residency required for a change of name;"



Page 1, line 8, delete "section" and insert "sections 259.10; and"

The motion prevailed and the amendment was adopted.

S. F. No. 1600, A bill for an act relating to courts; altering the responsibility for the procedure to be followed when filing a change of name with the county recorder; eliminating the limits on the amount of bond to be posted by the clerk of court; prohibiting employees of the clerk's office from practicing law in the court in which they are employed; amending Minnesota Statutes 1984, section 259.11; and Minnesota Statutes 1985 Supplement, section 485.01.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1807, A bill for an act relating to local government; providing for the coordination of various development authorities in the city of Moorhead and Clay county.

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 110 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

The bill was read for the 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 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brinkman	Erickson	Heap	Kvam
Backlund	Brown	Fjoslien	Himle	Levi
Battaglia	Burger	Forsythe	Jacobs	Lieder
Beard	Carlson, L.	Frederick	Jennings, L.	Long
Becklin	Clark	Frederickson	Johnson	Marsh
Begich	Clausnitzer	Frerichs	Kahn	McDonald
Bennett	Dempsey	Gruenes	Kiffmeyer	McEachern
Blatz	DenOuden	Gutknecht	Knickerbocker	McKasy
Boerboom	Dimler	Halberg	Knuth	McLaughlin
Boo	Dyke	Hartle	Kostohryz	Metzen
Brandl	Elioff	Haukoos	Krueger	Miller

Minne	Osthoff	Rees	Seaberg	Thorson
Munger	Otis	Rest	Segal	Tjornhom
Murphy	Ozment	Rice	Shaver	Tompkins
Nelson, D.	Pappas	Richter	Sherman	Valan
Nelson, K.	Pauly	Riveness	Simoneau	Valento
Neuenschwander	Peterson	Rodosovich	Skoglund	Vanasek
Norton	Piper	Rose	Solberg	Vellenga
O'Connor	Poppenhagen	Sarna	Sparby	Voss
Ogren	Price	Schafer	Stanis	Welle
Olsen, S.	Quinn	Scheid	Staten	Wenzel
Omman	Quist	Schoenfeld	Sviggum	Spk. Jennings, D.
Onnen	Redalen	Schreiber	Thiede	

The bill was passed and its title agreed to.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1991 was reported to the House.

Skoglund moved to amend H. F. No. 1991, the first engrossment, as follows:

Page 4, after line 12, insert:

"Sec. 7. [473.124]

*The chair of each metropolitan governmental unit may be removed at the pleasure of the appointing authority."*

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called. There were 36 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Brandl	Kahn	Nelson, K.	Price	Solberg
Carlson, L.	Knuth	Neuenschwander	Rest	Staten
Clark	Kostohryz	Norton	Rice	Tjornhom
Forsythe	Long	Osthoff	Riveness	Vanasek
Greenfield	McLaughlin	Otis	Rodosovich	Vellenga
Gutknecht	Munger	Pappas	Scheid	Voss
Hartinger	Nelson, D.	Peterson	Skoglund	Wynia
Jennings, L.				

Those who voted in the negative were:

Backlund	Dyke	Kiffmeyer	Onnen	Sparby
Battaglia	Elioff	Krueger	Ozment	Stanius
Beard	Erickson	Kvam	Piepho	Sviggum
Becklin	Fjoslien	Levi	Piper	Thiede
Begich	Frederick	Lieder	Poppenhagen	Thorson
Bennett	Frederickson	Marsh	Quinn	Tompkins
Blatz	Frerichs	McDonald	Quist	Uphus
Boerboom	Gruenes	McEachern	Redalen	Valan
Brinkman	Halberg	McKasy	Rees	Valento
Brown	Hartle	Metzen	Richter	Waltman
Burger	Haukoos	Miller	Sarna	Welle
Clausnitzer	Heap	Minne	Schreiber	Wenzel
Dempsey	Himle	Murphy	Seaberg	Zaffke
DenOuden	Jacobs	O'Connor	Shaver	Spk. Jennings, D.
Dimler	Johnson	Omann	Sherman	

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

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

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2014, A bill for an act relating to elections; making changes in registration, caucuses, ballots, affidavits of candidacy and withdrawal, nominations, election certificates, and election judge qualifications; amending Minnesota Statutes 1984, sections 201.018, subdivision 2; 201.12, subdivision 2; 201.15, subdivision 1; 202A.11, subdivision 2; 202A.16, subdivision 1; 204B.03; 204B.06, subdivision 1; 204B.07, subdivision 4; 204B.09, subdivision 1; 204B.10, by adding a subdivision; 204B.12, subdivision 3; 204B.35, subdivision 2; 204C.40, subdivision 1; 204D.11, subdivisions 3, 5, and 6; 206.71, by adding a subdivision; and 208.03.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Battaglia	Becklin	Bennett	Blatz
Backlund	Beard	Begich	Bishop	Boerboom

Boo	Gutknecht	McEachern	Pauly	Sherman
Brandl	Haiberg	McKasy	Peterson	Skoglund
Brinkman	Hartinger	McLaughlin	Piepho	Solberg
Brown	Hartle	Metzen	Piper	Sparby
Burger	Haukoos	Miller	Poppenhagen	Sianius
Carlson, L.	Heap	Minne	Price	Staten
Clark	Himle	Munger	Quinn	Swiggum
Clausnitzer	Jacobs	Murphy	Quist	Thiede
Dempsey	Jennings, L.	Nelson, D.	Redalen	Thorson
DenOuden	Johnson	Nelson, K.	Rees	Tjornhom
Dimler	Kahn	Neuenschwander	Rest	Tompkins
Dyke	Kiffmeyer	Norton	Rice	Uphus
Elioff	Knickerbocker	O'Connor	Riveness	Valan
Ellingson	Knuth	Ogren	Rodosovich	Valento
Erickson	Kostohryz	Olsen, S.	Rose	Vanasek
Fjoslien	Krueger	Olson, E.	Sarna	Vellenga
Forsythe	Kvam	Omman	Schafer	Voss
Frederick	Levi	Onnen	Scheid	Waltman
Frederickson	Lieder	Osthoff	Schoenfeld	Wenzel
Frerichs	Long	Otis	Seaberg	Wynia
Greenfield	Marsh	Ozment	Segal	Zaffke
Gruenes	McDonald	Pappas	Shaver	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 1635 was reported to the House.

Olsen, S., moved to amend H. F. No. 1635, as follows:

Page 1, line 18, after "that" insert: "*were made or agreed to on or after August 1, 1982 and before the effective date of this section and to covenants, conditions and restrictions that*"

The motion prevailed and the amendment was adopted.

The Speaker called Halberg to the Chair.

There being no objection H. F. No. 1635, as amended, was temporarily laid over on Special Orders.

H. F. No. 1730, A bill for an act relating to crime; correcting certain erroneous, omitted and obsolete references in and to the criminal sexual conduct statutes; amending Minnesota Statutes 1984, sections 253B.02, subdivision 4a; 260.015, subdivision 24; 494.03; 518B.01, subdivision 2; 609.11, subdivision 9; 609.341, subdivision 3; 609.347, subdivision 3; 609.348; 609.349; 609.35; 611A.03, subdivision 3; and 628.26; and Minnesota Statutes 1985 Supplement, sections 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivisions 2 and 3; 609.3471; 609.531, subdivision 1; 626.556, subdivision 2; and 631.045.

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 116 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1850, A bill for an act relating to intoxicating liquor; authorizing the city of Rochester to issue an on-sale license to a concessionaire at the Mayo civic center.

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 112 yeas and 1 nay as follows:

## Those who voted in the affirmative were:

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

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

H. F. No. 1886 was reported to the House.

Valento moved to amend H. F. No. 1886, the first engrossment, as follows:

Page 3, line 8, after "include" insert "*the following information:*"

(1)"

Page 3, line 9, before the period insert ";

(2) *the right of the property owner to prepay the entire assessment and the person to whom prepayment must be made;*

(3) *whether partial prepayment of the assessment has been authorized by ordinance;*

(4) *the time within which prepayment may be made without the assessment of interest; and*

(5) *the rate of interest to be accrued if the assessment is not prepaid within the required time period"*

Page 4, after line 5, insert:

*"If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment."*

Page 5, line 32, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title as follows:

Page 1, line 3, delete "proposed"

The motion prevailed and the amendment was adopted.



H. F. No. 1886, A bill for an act relating to local government; changing the notice requirements for special assessments; amending Minnesota Statutes 1984, section 429.061, subdivision 2; Minnesota Statutes 1985 Supplement, section 429.061, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1940 was reported to the House.

There being no objection H. F. No. 1940 was temporarily laid over on Special Orders.

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

The bill was read for the 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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

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

## GENERAL ORDERS

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

## MOTIONS AND RESOLUTIONS

Clausnitzer moved that his name be stricken and the name of Ozment be added as chief author on H. F. No. 1765. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 1766. The motion prevailed.

Richter moved that the name of Sparby be added as an author on H. F. No. 1770. The motion prevailed.

Swiggum moved that the names of Dyke, Poppenhagen, Waltman and Heap be added as authors on H. F. No. 1873. The motion prevailed.

Gruenes moved that the name of Onnen be added as chief author and the name of Gruenes be shown as second author and the name of Stanius be added as an author on H. F. No. 1932. The motion prevailed.

Fjoslien moved that the name of Bennett be stricken and the name of Olsen, S., be added as an author on H. F. No. 2097. The motion prevailed.

Stanis moved that the name of Frederick be added as chief author and the name of Stanis be shown as second author on H. F. No. 2229. The motion prevailed.

Blatz moved that the names of McKasy; Olsen, S.; Osthoff and Skoglund be added as authors on H. F. No. 2244. The motion prevailed.

Rest moved that the name of Marsh be added as an author on H. F. No. 2339. The motion prevailed.

Fjoslien moved that the names of Kostohryz, Scheid, Osthoff and Dimler be added as authors on H. F. No. 2394. The motion prevailed.

Wenzel moved that the name of Omann be added as an author on H. F. No. 2401. The motion prevailed.

Waltman introduced:

House Resolution No. 41, A house resolution congratulating the football team from Zumbrota High School for winning Runnerup in the 1985 Class C State High School Football Championship.

The resolution was referred to the Committee on Education.

Uphus moved that H. F. No. 2459 be returned to its author. The motion prevailed.

Otis moved to amend the Permanent Rules of the House as follows:

Add a new rule to read:

*"Rule 6.13. Public Testimony.*

*Public testimony shall be allowed on every bill, or other matter, before a committee, subcommittee or division of the House."*

A roll call was requested and properly seconded.

Levi moved that the Otis amendment to the Permanent Rules of the House be re-referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

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

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

The question recurred on the Levi motion and the roll was called.

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

There were 65 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bishop	Burger	DenOuden	Fjoslien
Backlund	Blatz	Carlson, J.	Dimler	Forsythe
Becklin	Boerboom	Clausnitzer	Dyke	Frederick
Bennett	Boo	Dempsey	Erickson	Frederickson

Frerichs	Johnson	Onnen	Rose	Thorsen
Gruenes	Kiffmeyer	Ozment	Schafer	Tjornhom
Gutknecht	Kvam	Pauly	Schreiber	Tompkins
Halberg	Levi	Piepho	Seaberg	Uphus
Hartinger	Marsh	Poppenhagen	Shaver	Valan
Hartje	McDonald	Quist	Sherman	Valento
Haukoos	McKasy	Redalen	Stanisus	Waltman
Hcap	Olsen, S.	Rees	Sviggunn	Zaffke
Himle	Omann	Richter	Thiede	Spk. Jennings, D.

Those who voted in the negative were:

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

The motion prevailed and the Otis amendment to the Permanent Rules of the House was referred to the Committee on Rules and Legislative Administration.

Vanasek moved that H. F. No. 2178 be recalled from the Committee on Crime and Family Law and be re-referred to the Committee on Judiciary. The motion prevailed.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 3, 1986. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 3, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

