

## STATE OF MINNESOTA

## SEVENTY-FOURTH SESSION - 1986

## EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 7, 1986

The House of Representatives convened at 11:00 a.m. and was called to order by David M. Jennings, Speaker of the House.

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

The roll was called and the following members were present:

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

A quorum was present.

Anderson, R. ; Halberg and Rodosovich were excused.

Pappas was excused until 12:00 noon.

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

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

#### REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1101, 1990, 2050, 2154, 2157, 2169, 2210, 2216, 2243, 2391, 2392, 2141 and 1652 and S. F. Nos. 1526, 1848, 985 and 1014 have been placed in the members' files.

S. F. No. 1848 and H. F. No. 1962, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

McKasy moved that the rules be so far suspended that S. F. No. 1848 be substituted for H. F. No. 1962 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 985 and H. F. No. 1101, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Knickerbocker moved that the rules be so far suspended that S. F. No. 985 be substituted for H. F. No. 1101 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1526 and H. F. No. 1652, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Rose moved that the rules be so far suspended that S. F. No. 1526 be substituted for H. F. No. 1652 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 582, A bill for an act relating to human services; establishing a family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes

1984, section 252.32; repealing Minnesota Statutes 1984, section 252.27, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 23, after "*retarded*" insert "*or who have a related condition*"

Page 2, line 9, after "*program*" insert "*and to assure that an application is made for supplemental security income and other benefits*"

Page 2, line 17, after the period insert "*The commissioner may consider the child's supplemental security income in determining the amount of the subsidy.*"

Page 2, line 18, delete "*special or*"

Page 2, line 19, after "*circumstances*" insert "*in cases where exceptional resources of the family are required to meet the health, welfare-safety needs of the child, for a period not to exceed 90 days per fiscal year. The commissioner may set aside one percent of the appropriation to fund emergency situations*"

Page 2, line 20, delete "*adopt*" and insert "*amend*"

Page 2, line 21, delete "*emergency and*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1247, A bill for an act relating to elections; adopting the court-ordered apportionment plan, but changing Ottawa township in LeSueur county from the second to the first congressional district; repealing Minnesota Statutes 1984, sections 2.741 to 2.811.

Reported the same back with the following amendments:

Page 1, line 9, delete "APPORTIONMENT" and insert "REDISTRICTING PLAN"

Page 1, line 10, delete "*apportionment of*" and insert "*redistricting plan for*"

Page 1, line 15, delete "*order*" and insert "*plan*"

Page 1, after line 20, insert:

**"Sec. 3. [INSTRUCTION TO REVISOR.]**

*The revisor of statutes shall code metes and bounds descriptions of the congressional districts adopted in section 1 into Minnesota Statutes.*

**Sec. 4. [SEVERABILITY.]**

*If the adjustments in congressional districts in section 1, subdivision 2, are adjudicated to require a change in any other congressional district boundary, section 1, subdivision 2, is void."*

Page 1, line 21, delete "3" and insert "5"

Amend the title as follows:

Page 1, line 3, delete "apportionment" and insert "congressional redistricting"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1774, A bill for an act relating to human services; requiring adoption of the 1985 life safety code standards for intermediate care facilities for persons with mental retardation.

Reported the same back with the following amendments:

Page 1, line 14, delete "*without rulemaking*" and insert "*pursuant to sections 14.22 to 14.28*"

Page 1, line 17, delete "*January 1*" and insert "*June 30*"

Page 1, line 17, before the period insert "*or when rules on the 1985 life safety code have been adopted, whichever occurs first*"

Page 1, after line 17, insert:

**"Sec. 3. [OTHER RULES.]**

*The commissioners of health and human services shall amend existing rules governing life safety to be consistent with the 1985 life safety code."*

Page 1, line 18, delete "3" and insert "4"

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

The report was adopted.

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

H. F. No. 1953, A bill for an act relating to insurance; accident and health; regulating long-term care policies; requiring coverage for home health care and care in skilled or intermediate nursing facilities; amending Minnesota Statutes 1984, section 62A.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Page 2, line 36, delete "2 to 7" and insert "2, 3, and 5 to 7"

Page 3, line 1, delete "*any group specified in*" and insert "*(a) an employer or employers or to the trustee of a fund established by an employer where only employees or retirees, and dependents of employees or retirees, are eligible for coverage or (b) to a labor union or similar employee organization. The associations exempted from the requirements of sections 62A.31 to 62A.44 under 62A.31, subdivision 1, clause (c) shall not be subject to the provisions of sections 2 to 7 until July 1, 1988.*"

Page 3, delete line 2

Page 4, line 33, delete "\$100,000 for services" and insert "1,095 paid days up to \$43,800 for nursing facility benefits and 365 paid visits up to \$9,125 for home care services"

Page 4, line 33, delete everything after the period

Page 4, delete line 34

Page 4, line 35, delete "maximums."

Page 5, line 1, delete "only"

Page 5, line 2, after "facility" insert "or home care services"

Page 5, line 11, delete "\$60" and insert "\$40"

Page 5, line 13, after "charges" insert "for nurse and therapy services and \$20 for home health aide and nonmedical services"

Page 5, line 19, after the period insert "*The home care services benefit shall be limited to seven paid visits per week.*"

Page 5, line 25, delete "65" and insert "55"

Page 5, line 26, delete "60" and insert "50"

Page 5, after line 27, insert:

*"Subd. 5. [SOLICITATIONS BY MAIL OR MEDIA ADVERTISEMENT.] For purposes of this section, long-term care policies issued as a result of solicitations of individuals through mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.*

*Subd. 6. [COORDINATION OF BENEFITS.] A long-term care policy shall be secondary coverage for services provided under sections 2 to 7. Nothing in sections 2 to 7 shall require the secondary payor to pay the obligations of the primary payor nor shall it prevent the secondary payor from recovering from the primary payor the amount of any obligation of the primary payor that the secondary payor elects to pay."*

Page 6, line 19, after "policy" insert "*and the differences between this policy, a supplemental medicare policy and the benefits to which an individual is entitled under parts A and B of medicare*"

Amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for coordination of benefits;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

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

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

The report was adopted.

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

H. F. No. 2002, A bill for an act relating to transportation; railroads; providing that railroads must first offer property to leaseholders before selling it; proposing coding for new law in Minnesota Statutes, chapter 222.

Reported the same back with the following amendments:

Page 1, line 25, delete "COMMISSIONER" and insert "BOARD"

Page 2, line 2, delete "*commissioner of*" and after "*transportation*" insert "*regulation board*"

Page 2, line 5, delete "*commissioner*" and insert "*board*"

Page 2, line 7, delete "*commissioner*" and insert "*board*"

Page 2, line 10, delete "*commissioner's*" and insert "*board's*"

Page 2, line 14, delete "*commissioner*" and insert "*board*"

Page 2, line 20, delete "*commissioner*" and insert "*board*"

Page 2, line 22, delete "*commissioner's*" and insert "*board's*"

Page 2, line 27, delete "*commissioner's*" and insert "*board's*"

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2015, A bill for an act relating to metropolitan government; changing the treatment of current value credits and modifying the cost allocation system of the metropolitan waste control commission; providing for a reserve fund for the commission; authorizing appointment of advisory committees by the commission; authorizing an implementation period for transition to a new cost allocation system; amending Minnesota Statutes 1984, sections 473.511, subdivision 4; and 473.517, subdivisions 1, 2, 3, and 9; repealing Minnesota Statutes 1984, section 473.517, subdivisions 4, 5, and 7.

Reported the same back with the following amendments:

Page 1, after line 15, insert:

**"Section 1. [171.322] [TAXICAB DRIVER'S QUALIFICATION.]**

*Subdivision 1. [REQUIREMENT.] Commencing 90 days after the effective date of rules adopted under this section, no person may operate a taxicab within the metropolitan area defined in section 473.121 without a valid Minnesota class C driver's license with a taxi driver's endorsement issued by the commissioner.*

**Subd. 2. [COMMISSIONER TO ISSUE ENDORSEMENT.]**  
*A person 18 years or older may apply for a taxicab driver's endorsement. The commissioner shall issue an endorsement if the applicant meets the following requirements:*

*(a) The applicant has a valid Minnesota class C driver's license.*

*(b) The applicant has satisfactorily completed the written test required by subdivision 3.*

*(c) The applicant demonstrates a minimum proficiency in the English language.*

*(d) The commissioner has determined that the applicant's driving record is satisfactory.*

*(e) The applicant has not been convicted of a crime that discredits the applicant's fitness to drive a taxicab.*

*(f) The applicant has paid the fee required in subdivision 6.*

**Subd. 3. [TAXICAB DRIVER'S TEST.]** *The commissioner shall administer a written taxicab driver's test to any applicant who has been issued a Minnesota class C driver's license. The test must measure at least the following:*

*(1) geographic knowledge of the metropolitan region;*

*(2) driving and safety standards;*

*(3) basic first aid; and*

*(4) common public courtesy.*

*The commissioner may charge a fee to be paid by each applicant who takes the taxicab driver's test to defray the cost of preparing and administering the test.*



Subd. 4. [RENEWAL.] *The taxicab driver's endorsement required by this section must be renewed every four years. Before renewing, the commissioner shall determine if the licensee is entitled to retain the endorsement previously issued. The commissioner shall determine that the person has a valid Minnesota class C driver's license and a satisfactory driving record and has not been convicted of a crime that discredits the applicant's fitness to drive a taxicab.*

Subd. 5. [REVOCATION; SUSPENSION.] *The commissioner may not revoke or suspend a taxicab driver's endorsement without a hearing.*

Subd. 6. [FEE.] *The commissioner shall charge a fee for initial endorsement and renewal sufficient to defray the cost of administering the taxicab driver endorsement program.*

Subd. 7. [RULES.] *The commissioner shall adopt a rule relating to the application, issuance, suspension, and revocation of taxicab driver endorsements and criteria for determining proficiency in the English language, a disqualifying criminal record, and a satisfactory driving record.*

Sec. 2. [174.311] [METROPOLITAN TAXICAB REGULATION; STANDARDS.]

Subdivision 1. [DEFINITIONS.] (a) *The terms used in this section have the meanings given them.*

(b) *"Limousine" means a plainly painted, unmarked motor vehicle which carries passengers for hire, is subject to call only from its garage or central place of business, and charges its customers a flat rate by the trip or by the hour, day, or longer period of time which is greater than the taxicab rate for a comparable trip.*

(c) *"Metropolitan area" has the meaning given in section 473.121.*

(d) *"Person" means an individual, partnership, firm, association, or corporation.*

(e) *"Taxicab" means a passenger automobile that transports persons and their luggage for hire, having a seating capacity of fewer than ten persons and not operated on a fixed route or schedule. Taxicab does not include a limousine or hotel van, a private carrier defined in section 221.011, subdivision 26, or a commuter van as defined in section 221.011, subdivision 27.*

Subd. 2. [MINIMUM SAFETY STANDARDS.] (a) *The commissioner shall adopt a rule that establishes minimum safety*

*standards for taxicab licensing and regulation by statutory and home rule charter cities in the metropolitan area. The rule must include:*

*(1) vehicle and equipment standards to ensure the safe operation of a taxicab;*

*(2) minimum amounts of insurance coverage for taxicab owners and taxicab drivers and requirements and procedures for certification of insurance; and*

*(3) requirements and procedures for annual inspection of taxicabs by or under contract to the city or town.*

*(b) No statutory or home rule charter city or town in the metropolitan area may issue or renew taxicab licenses or regulate taxicabs unless the minimum safety standards established by rule under this subdivision are adopted by ordinance of the city or town. Cities and towns have 90 days following the effective date of the rule to adopt the minimum standards by ordinance. Cities and towns may adopt additional requirements and standards except as otherwise provided in this section.*

*(c) The commissioner shall impose a surcharge on all annual taxicab licenses issued by statutory and home rule charter cities and towns in the metropolitan area sufficient to defray the cost of administering this subdivision. Surcharges must be collected by each city or town and remitted to the commissioner for deposit in the general fund.*

*Subd. 3. [RECIPROCITY REQUIRED.] No statutory or home rule charter city or town in the metropolitan area may prevent or restrict a taxicab that is licensed in another jurisdiction and that has let off passengers from a trip originating outside the city or town from accepting passengers for a trip to a destination outside of the city or town.*

*Subd. 4. [RATE REGULATION; LIMITATION.] No statutory or home rule charter city or town in the metropolitan area may establish or require, by ordinance or otherwise, minimum or uniform rates for taxicab service.*

*Subd. 5. [LICENSES REGULATION; LIMITATION.] Each statutory and home rule charter city in the metropolitan area that licenses taxicabs shall annually increase by at least ten percent the number of taxicab licenses available for issuance until the number of taxicab licenses available exceeds the number of licenses issued by at least ten percent.*

**Sec. 3.** Minnesota Statutes 1984, section 368.01, subdivision 12, is amended to read:

Subd. 12. [TAXICABS; BAGGAGE WAGONS.] The town board of supervisors shall have power by ordinance to license and regulate baggage wagons, draymen, taxicabs, and automobile rental agencies and liveries. *In the metropolitan area defined in section 473.121, ordinances governing the licensing and regulating of taxicabs must be in conformance with the requirements of section 2.*

Sec. 4. Minnesota Statutes 1984, section 412.221, subdivision 20, is amended to read:

Subd. 20. [TAXICABS; BAGGAGE WAGONS.] The council shall have power by ordinance to license and regulate baggage wagons, draymen, taxicabs, and automobile rental agencies and liveries. *In the metropolitan area defined in section 473.121, ordinances governing the licensing and regulating of taxicabs must be in conformance with the requirements of section 2."*

Page 6, line 9, delete "8" and insert "12"

Renumber the sections in order

Delete the title and insert:

"A bill for an act relating to metropolitan government; regulating taxicabs and taxicab drivers; changing the treatment of current value credits and modifying the cost allocation system of the metropolitan waste control commission; providing for a reserve fund for the commission; authorizing appointment of advisory committees by the commission; authorizing an implementation period for transition to a new cost allocation system; amending Minnesota Statutes 1984, sections 368.01, subdivision 12; 412.221, subdivision 20; 473.511, subdivision 4; and 473.517, subdivisions 1, 2, 3, and 9; proposing coding for new law in Minnesota Statutes, chapters 171; and 174; repealing Minnesota Statutes 1984, section 473.517, subdivisions 4, 5, and 7."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2160, A bill for an act relating to environment; providing for rewards for information leading to recovery of civil penalties and criminal fines for hazardous waste violations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [115.074] [REWARDS; HAZARDOUS WASTE CONVICTIONS.]**

*Subdivision 1. [PAYMENT.] The director of the agency may pay a reward to an individual, other than a peace officer or employee of the agency or county engaged in enforcement of hazardous waste regulations, for information leading to the arrest and conviction of any person for a criminal offense arising out of the management of hazardous waste, including hazardous waste transportation, storage, and disposal. A reward must not exceed \$1,000. The director shall pay the rewards out of money appropriated under subdivision 2 or from other funds donated to the agency for that purpose.*

*Subd. 2. [PERCENTAGE OF FINES REMITTED TO SUPERFUND; APPROPRIATION.] An amount equal to ten percent of each fine imposed upon any person convicted of a criminal offense arising out of the management of hazardous waste shall be forwarded by the court to the state treasurer for deposit in the environmental response, compensation and compliance fund created under section 115B.20. The amounts necessary to pay rewards under subdivision 1 are appropriated from the environmental response, compensation and compliance fund to the agency for payment by the director."*

Amend the title as follows:

Page 1, line 3, delete "recovery of civil penalties and"

Page 1, line 4, delete "criminal fines for" and insert "arrest and conviction of"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2182, A bill for an act relating to human services; excluding certain programs from licensing requirements; amending Minnesota Statutes 1984, section 245.791.

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

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2200, A bill for an act relating to state lands; authorizing sale of Pearl Lake lakeshore parcel in Stearns county.

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2236, A bill for an act relating to the city of Grand Rapids; permitting the creation of the Central School commission.

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

The report was adopted.

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

H. F. No. 2255, A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions to travel on certain interstate highways; prescribing fees; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 169.81, subdivision 2, is amended to read:

Subd. 2. [LENGTH OF VEHICLES.] (a) No single unit motor vehicle, except truck cranes which may not exceed 45 feet, unladen or with load may exceed a length of 40 feet extreme overall dimensions inclusive of front and rear bumpers, except that the governing body of a city is authorized by permit to provide for the maximum length of a motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of a city; provided, that the permit may not

prescribe a length less than that permitted by state law. A motor vehicle operated in compliance with the permit on the streets or highways of the city is not in violation of this chapter.

(b) No single semitrailer may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer adjacent to the truck or truck-tractor, in excess of 48 feet, except as provided in paragraph (d). No single trailer may have an overall length inclusive of tow bar assembly and exclusive of rear protective bumpers which do not increase the overall length by more than six inches, in excess of 45 feet. For determining compliance with the provisions of this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(c) No semitrailer or trailer used in a three-vehicle combination may have an overall length, exclusive of non-cargo-carrying accessory equipment, including refrigeration units or air compressors, necessary for safe and efficient operation mounted or located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor, and further exclusive of the tow bar assembly, in excess of 28-1/2 feet. The commissioner may not grant a permit authorizing the movement, in a three-vehicle combination, of a semitrailer or trailer that exceeds 28-1/2 feet, *except as provided in section 3*, except that the commissioner may renew a permit that was granted before April 16, 1984 for the movement of a semitrailer or trailer that exceeds the length limitation in this paragraph.

(d) The commissioner may issue an annual permit for a semitrailer in excess of 48 feet in length, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 41 feet and if a combination of vehicles, which includes a semitrailer in excess of 48 feet for which a permit has been issued under this paragraph, does not exceed an overall length of 65 feet. The annual fee for a permit issued under this paragraph is \$36.

Sec. 2. Minnesota Statutes 1984, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund, *except as provided in section 4*.

Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;

(2) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(3) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) truck cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, paragraphs (a) to (f);

(5) double-deck buses;

(6) commercial boat hauling.

(e) for vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

## Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Two consec- utive axles spaced within 8 feet or less	Mile For Each Three con- secutive axles spaced within 9 feet or less	Group Of: Four con- secutive axles spaced within 14 feet or less
0- 2,000	.100	.040	.036
2,001- 4,000	.124	.050	.044
4,001- 6,000	.150	.062	.050
6,001- 8,000	Not permitted	.078	.056
8,001-10,000	Not permitted	.094	.070
10,001-12,000	Not permitted	.116	.078
12,001-14,000	Not permitted	.140	.094
14,001-16,000	Not permitted	.168	.106
16,001-18,000	Not permitted	.200	.128
18,001-20,000	Not permitted	Not permitted	.140
20,001-22,000	Not permitted	Not permitted	.168

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of vehicle	Annual Permit Fee
90,000 or less	\$200.00
90,001-100,000	\$300.00
100,001-110,000	\$400.00
110,001-120,000	\$500.00
120,001-130,000	\$600.00
130,001-140,000	\$700.00

If the gross weight of the vehicle is more than 140,000 pounds the permit fee is determined under paragraph (e).



(g) for vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) for vehicles granted a special permit under section 3, \$1,400.

*The proceeds from this fee must be deposited in the state treasury and credited to the highway user tax distribution fund.*

*In addition to this fee the commissioner shall charge for each permit an access fee of \$600, subject to the provisions of section 4, subdivision 4. The proceeds from this fee must be deposited as provided in section 4, subdivision 2. This fee may not be collected after June 30, 1991.*

Sec. 3. Minnesota Statutes 1984, section 169.86, is amended by adding a subdivision to read:

**Subd. 7. [THREE-VEHICLE COMBINATION PERMIT.]**

(a) *The commissioner may issue a special permit for a three-vehicle combination consisting of a truck-tractor and two semitrailers to travel on interstate highways and other highways as provided in clause (d), except that such a permitted combination may not travel within that portion of the seven-county metropolitan area which is bounded by the connecting rights-of-way of marked interstate highways 494 and 694 and that portion of marked interstate highway 94 which connects interstate highways 494 and 694 in Hennepin county.*

*The permit is valid for a period of one year.*

(b) *The three-vehicle combination may not exceed an overall length, unladen or with load, of 110 feet; a maximum total gross weight of 105,500 pounds; or maximum axle weight restrictions under this chapter.*

(c) *Before granting a special permit under this subdivision, the commissioner shall consider the motor carrier's record of safety including its: (1) safety program, (2) maintenance program, (3) safety history, with emphasis on experience with and safe operation of three-vehicle combinations, and (4) record of satisfactory compliance with other traffic and operational laws and rules, such as driver qualification requirements.*

(d) *A combination operating under a permit under this subdivision may enter onto and exit from an interstate highway only at an interchange which has been designated by the commissioner under this clause. Such a combination may travel*

*only on interstate highways, and for a distance of up to one mile on other streets and highways which have an interstate highway interchange designated under this subdivision.*

*A permittee under this subdivision may request the commissioner to designate an interstate highway interchange for use by permitted vehicles under this subdivision. On receiving the request the commissioner shall determine the total expenditures required to provide for the safe use by such combinations of the interchange, the intersecting street or highway and the entry point onto the intersecting highway used by such combinations. The commissioner shall not designate the interchange until all necessary modifications to accommodate such combinations safely have been made to the interchange, the intersecting street or highway and the entry point for combinations onto the intersecting street or highway.*

*If the intersecting highway is under the jurisdiction of a local authority the designation of the interchange must be approved by a resolution of the governing body of the local authority before becoming effective. In such an instance the local authority must, along with the resolution of approval, provide the commissioner with the cost of modifications to the intersecting highway and entry points to allow their safe use by permitted combinations. The local authority may, as a condition of approval, require that the commissioner pay the costs of the modifications as provided in section 4.*

*The commissioner may not designate more than four intersections under this subdivision before July 1, 1987.*

*(e) The commissioner shall monitor the use of three-vehicle combinations authorized by this subdivision to evaluate the safety and operational performance of the vehicles and the adequacy of the funding provisions.*

*(f) The commissioner shall take no action under this subdivision which would result in a loss of federal highway funds to the state.*

*(g) No combination of vehicles operating under a permit under this subdivision may transport:*

*(1) class A and B explosives as defined in the Code of Federal Regulations, title 49, sections 173.53 and 173.88;*

*(2) radioactive materials as defined in the Code of Federal Regulations, title 49, section 173.403; or*

*(3) bulk quantities of hazardous materials as defined in the Code of Federal Regulations, title 49, section 171.8, including but not limited to gasoline, special fuel, fuel oil, or heating oil.*

(h) *In addition to conditions authorized under subdivision 3, the commissioner may impose restrictions or prohibitions on the operation of such combinations during times the commissioner determines their operation is unsafe because of weather or road conditions.*

(i) *For purposes of this subdivision and section 4 an "entry point" includes only that part of an entry point which is under the jurisdiction of a road authority.*

#### Sec. 4. [169.863] [MODIFICATION OF INTERCHANGES.]

*Subdivision 1. [ACCOUNT CREATED.] There is created in the state treasury an account to be known as the highway access modification account. All money in the account is automatically appropriated to the commissioner of transportation for expenditure only as authorized by this section.*

*Subd. 2. [DEPOSIT OF FUNDS.] All money collected by the commissioner from the access fee must be paid to the state treasurer for deposit in the highway access modification account. The state treasurer may also accept gifts for deposit in the account.*

*Subd. 3. [USE OF FUNDS.] The commissioner of transportation may expend money from the highway access modification account only to:*

*(1) pay the cost of modifications to interstate highway interchanges and to intersecting trunk highways and entry points thereon, to allow their use by combinations with permits issued under section 3;*

*(2) make grants to local authorities to pay the cost of modifying streets and highways under their jurisdiction which intersect interstate highways, and entry points thereon, to allow their use by such combinations; and*

*(c) make payments to the trunk highway fund as provided in subdivision 4.*

*The commissioner may not expend any funds to accomplish the modifications described in clause (1) except funds from the highway access modification account, except as provided in subdivision 4.*

*Subd. 4. [USE OF TRUNK HIGHWAY AND LOCAL FUNDS.] (a) The commissioner may expend money from the trunk highway fund to modify interstate highway interchanges and intersecting trunk highways and entry points thereon to allow their use by combinations with permits issued under section 3, if the commissioner determines there are insufficient*

*funds in the highway access modification fund to pay for modifications requested under section 3. The commissioner may not make expenditures from the trunk highway fund for these purposes after June 30, 1987.*

*(b) A road authority, other than the commissioner, may expend any funds under its control to modify roads and streets under its jurisdiction, and entry points thereon, to allow their use by combinations with permits issued under section 3. The commissioner may make a grant to such a road authority under subdivision 3 to reimburse it for the cost of the modification.*

*(c) After June 30, 1987, the commissioner may not expend any funds from the highway access modification account for modifications to interstate highway interchanges and intersecting trunk highways and entry points thereon until the commissioner has first paid to the trunk highway fund an amount equal to the total amount expended from the trunk highway fund for such modifications between the effective date of this act and June 30, 1987.*

#### Sec. 5. [STUDY.]

*The commissioner of transportation shall prepare and furnish to the house and senate transportation committees, by January 1, 1987, a study to establish a road use tax for trucks based on registered weight and distance traveled. The study shall be developed by the commissioner of transportation in cooperation with the department of revenue, the department of public safety, and the department of finance.*

*The proposal shall be revenue neutral to the extent that total road use taxes collected from trucks under the weight distance proposal shall be comparable to total road use taxes collected from trucks under the current system of registration fees and motor fuel taxes.*

#### Sec. 6. [EFFECTIVE DATE.]

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

Delete the title and insert:

*"A bill for an act relating to transportation; authorizing special permits for 110-foot vehicle combinations and prescribing restrictions thereon; setting fees for such permits and providing for their disposition; providing for the modification of certain interchanges, streets, and highways; making a standing appropriation; providing for a study and report; amending Minnesota Statutes 1984, sections 169.81, subdivision 2; 169.86, subdivision*

5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169."

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

The report was adopted.

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

H. F. No. 2297, A bill for an act relating to health; requiring transportation services involving the use of a stretcher to meet life support transportation licensing standards; amending Minnesota Statutes 1984, sections 144.801, subdivision 4; and 174.29, subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 15 and 16, delete the new language and insert "*The term includes all transportation involving the use of a stretcher, unless the person to be transported is not likely to require life support transportation service and medical treatment during the course of transport*"

Page 1, line 25, delete "or" and insert "*service, as defined in section 144.801, subdivision 4*"

Page 1, line 26, delete the new language

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2311, A bill for an act relating to state departments and agencies; providing for inspections of certain facilities and imposition of fines; amending Minnesota Statutes 1984, sections 144.55, subdivision 4; and 245.805.

Reported the same back with the following amendments:

Page 2, lines 1 to 4, reinstate the stricken language

Pages 2 to 4, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1984, section 245.805, is amended to read:

## 245.805 [FINES; ENFORCEMENT.]

*Subdivision 1. [CORRECTION ORDER.] All facilities licensed under sections 245.781 to 245.812 and 252.28, subdivision 2, shall be periodically inspected by the commissioner as necessary to produce the greatest benefit to the persons who use the facility and to minimize the possibility of abuse or neglect of those persons.*

Whenever the commissioner finds, upon inspection of a facility, that the operator is not in compliance with an applicable law or rule or regulation, a correction order shall be issued to the operator. The correction order shall state the deficiency or deficiencies, cite the specific law or regulations violated, and specify the time allowed for correction.

(IF, UPON REINSPECTION, IT IS FOUND THAT THE OPERATOR HAS NOT CORRECTED THE DEFICIENCY OR DEFICIENCIES SPECIFIED IN THE CORRECTION ORDER, THE OPERATOR MAY BE REQUIRED TO FORFEIT TO THE STATE WITHIN 15 DAYS A SUM OF UP TO \$250 FOR EACH DEFICIENCY NOT CORRECTED. A FORFEITURE ORDER MAY BE APPEALED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 245.801. ALL FORFEITURES SHALL BE PAID INTO THE GENERAL FUND. ANY UNPAID FORFEITURES MAY BE RECOVERED BY THE ATTORNEY GENERAL.)

*Subd. 2. [REINSPECTIONS; FINES.] Reinspection shall take place within a reasonable time after the time allowed for correction has expired. If upon reinspection it is found that the operator has not corrected deficiencies specified in the correction order, the commissioner shall notify the operator of the commissioner's proposed fines for failure to comply with the correction order. Unless a hearing is requested under subdivision 4, the operator shall forfeit to the state, within 15 days after receipt of the commissioner's notification of proposed fines, up to \$1,000 for each deficiency not corrected. For each subsequent reinspection, the operator may be fined an additional amount for each deficiency which has not been corrected. The notice of noncompliance shall inform the operator of the amount of the fine, the right to a hearing, and the procedure for requesting a hearing.*

*Subd. 3. [FINES; RECOVERY.] In each rule adopted or amended after the effective date of this section, the commissioner shall adopt a schedule of fines that apply to each uncorrected deficiency. Until the commissioner has adopted a schedule of fines in a rule, the schedule of fines in this subdivision applies.*

*(a) For deficiencies that the commissioner determines are administrative in nature and do not directly have adverse effects*

*on the health, safety, or welfare of individuals, the commissioner shall assess a fine of \$250 for each uncorrected deficiency and may assess the fine for each day the deficiency remains uncorrected.*

*(b) For deficiencies that the commissioner determines have an undesirable effect on the quality or quantity of services provided to individuals but do not adversely affect the health or safety of individuals, the commissioner shall assess a fine of \$500 for each uncorrected deficiency and may assess the fine for each day the deficiency remains uncorrected.*

*(c) For deficiencies that the commissioner determines adversely affect the health or safety of individuals or are violations of section 626.556, subdivisions 9 and 12, or section 626.557, subdivisions 14 and 15, the commissioner shall assess a fine of \$1,000 for each uncorrected deficiency and may assess the fine for each day the deficiency remains uncorrected. All forfeitures shall be paid into the general fund. Any unpaid forfeitures may be recovered by the attorney general.*

*Subd. 4. [HEARINGS.] An operator is entitled to a hearing on any notice of noncompliance with a correction order issued as a result of a reinspection, if the operator makes a written request for a hearing within 15 days of receipt of the notice of noncompliance. Failure to request a hearing shall result in the forfeiture of a penalty as determined by the commissioner in accordance with subdivision 2. A request for a hearing shall operate as a stay, during the hearing process, of any forfeiture provided for in this section. Upon receipt of the request for a hearing, the commissioner shall promptly initiate a contested case proceeding with the office of administrative hearings. The office shall promptly schedule a hearing on the matter before an administrative law judge. The hearing and proceedings shall be in accordance with the contested case proceedings of chapter 14. Notwithstanding the provisions of sections 14.50 and 14.57, the administrative law judge shall make findings of fact and conclusions of law and issue a decision. If the administrative law judge decides that the operator of a facility has not corrected the deficiency specified in the correction order, the administrative law judge shall impose a penalty in accordance with subdivisions 2 and 3 and shall order the operator to pay all costs associated with the contested case proceeding, including reasonable attorney's fees.*

*Subd. 5. [NONLIMITING.] This section does not limit the powers granted to the commissioner in sections 245.781 to 245.812 and 252.28, subdivision 2."*

*With the recommendation that when so amended the bill pass.*

*The report was adopted.*

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2328, A bill for an act relating to the city of Cologne; exempting certain general obligation bonds and tax levies from debt and levy limitations.

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

The report was adopted.

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

H. F. No. 2350, A bill for an act relating to health; providing exemptions for certain air ambulance services; allowing certified first responders to drive certain basic life support transportation service vehicles; amending Minnesota Statutes 1984, sections 144.802, subdivision 5, and by adding a subdivision; and 144.804, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 144.802, subdivision 5, is amended to read:

Subd. 5. The commissioner's decision made under *section 2* or subdivision 4 shall be the final administrative decision. Any person aggrieved by the commissioner's decision shall be entitled to judicial review in the manner provided in sections 14.63 to 14.70.

Sec. 2. Minnesota Statutes 1984, section 144.802, is amended by adding a subdivision to read:

*Subd. 3a. [LICENSURE OF SCHEDULED FIXED-WING AIR AMBULANCE.] Except for submission of a written application to the commissioner on a form provided by the commissioner, an application to provide scheduled air ambulance service by fixed-wing aircraft only, shall be exempt from the provisions of subdivisions 3 and 4.*

*A license issued pursuant to this subdivision need not designate a primary service area.*

*No license shall be issued under this subdivision unless the commissioner of health determines that the applicant*



*complies with the requirements of section 144.804, and the rules promulgated under that section.*

Sec. 3. Minnesota Statutes 1984, section 144.804, subdivision 3, is amended to read:

Subd. 3. (BEFORE APRIL 1, 1980,) The commissioner, in consultation with the appropriate standing committees of the legislature, shall promulgate as rules standards for the operation of the following types of life support transportation service:

(a) basic life support service, which shall have appropriate personnel, vehicles and equipment, and be maintained in a sanitary condition so as to ensure that life-threatening situations and potentially serious injuries can be recognized, patients will be protected from additional hazards, basic treatment to reduce the seriousness of emergency situations will be administered and patients will be transported to an appropriate medical facility for treatment;

(b) advanced life support service which shall have appropriate personnel, vehicles and equipment, and be maintained in a sanitary condition so as to provide medical care beyond the basic life support level, including, but not limited to, intubation, defibrillation and administration of intravenous fluids and certain pharmaceuticals;

(c) scheduled life support transportation service;

(d) life support transportation service provided by an employer for the benefit of its employees;

(e) life support transportation service operated by a nonprofit entity and limited exclusively to providing service by contract for specific events and meetings;

(f) *air ambulance scheduled—fixed-wing;*

(g) *air ambulance scheduled—helicopter.*

An advanced life support ambulance may be used as a basic life support ambulance provided that its operation fulfills the standards promulgated pursuant to clause (a).

(THE STANDARDS PROMULGATED UNDER THIS SUBDIVISION SHALL TAKE EFFECT ON JUNE 1, 1980) *Until standards have been developed under clauses (f) and (g), the current provisions of Minnesota Rules shall govern these services.*

Sec. 4. Minnesota Statutes 1984, section 144.804, is amended by adding a subdivision to read:

*Subd. 7. [DRIVERS OF LIFE SUPPORT TRANSPORTATION SERVICE VEHICLES.] A life support transportation service vehicle may be staffed by a driver possessing a current first responder certificate issued under United States department of transportation standards if the life support transportation service vehicle is also staffed by two or more attendants meeting the following qualifications: (1) attendants staffing a basic life support transportation service vehicle shall meet the qualifications contained in subdivision 1; and (2) attendants staffing an advanced life support transportation service vehicle shall possess a current certification as an emergency medical technician or an emergency medical technician-paramedic, provided that at least one attendant is an emergency medical technician-paramedic."*

Delete the title and insert:

"A bill for an act relating to health; providing exemptions for certain air ambulance services; allowing first responders to drive life support transportation service vehicles under certain conditions; amending Minnesota Statutes 1984, sections 144.802, subdivision 5, and by adding a subdivision; and 144.804, subdivision 3, and 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:

H. F. No. 2393, A bill for an act relating to motor vehicles; designating category of collector military vehicle for registration purposes; exempting certain collector military vehicles and trailers from requirement to display license plates under certain conditions; amending Minnesota Statutes 1984, sections 168.10, subdivisions 1, 1e, 1f, and by adding a subdivision; and 169.73, subdivision 1.

Reported the same back with the following amendments:

Pages 3 to 5, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1984, section 168.10, is amended by adding a subdivision to read:

*Subd. 1h. [COLLECTOR MILITARY VEHICLES.] (a) A motor vehicle, including a truck, shall be listed and registered under this section if it meets the following conditions:*

(1) it is at least 20 years old;

(2) its first owner following its manufacture was a branch of the armed forces of the United States and it presently conforms to the vehicle specifications required during the time of military ownership, or it has been restored and presently conforms to the specifications required by a branch of the armed forces for the model year that the restored vehicle could have been owned by that branch of the armed forces; and

(3) it is owned by a nonprofit organization and operated solely as a collector's vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation, society, association, foundation, or institution organized and operated exclusively for historical or educational purposes, no part of the net earnings of which inures to the benefit of a private individual.

(b) The owner of the vehicle shall execute an affidavit stating the name and address of the person from whom purchased and of the new owner; the make, year, and model number of the motor vehicle; the manufacturer's identification number; and the collector military vehicle identification number, if any, located on the exterior of the vehicle. The affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, the registrar shall list the vehicle for taxation and registration and shall issue number plates. The number plates shall bear the inscriptions "Collector," "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence and may not be transferred to another vehicle. The registrar may revoke the plates for failure to comply with this subdivision.

(c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner of a registered collector military vehicle is not required to display registration plates on the exterior of the vehicle if the vehicle has an exterior number identification that conforms to the identifying system for military vehicles in effect when the vehicle was last owned by the branch of the armed forces of the United States or in effect in the year to which the collector military vehicle has been restored. However, the state registration plates must be carried in or on the collector military vehicle at all times.

(d) The owner of a registered collector military vehicle that is not required to display registration plates under paragraph (c), may tow a registered trailer behind it. The trailer is not required to display registration plates if the trailer:

(1) does not exceed a gross weight of 15,000 pounds;

(2) *otherwise conforms to registration, licensing, and safety laws and specifications;*

(3) *conforms to military specifications for appearance and identification;*

(4) *is intended to represent and does represent a military trailer; and*

(5) *carries registration plates on or in the trailer or the collector military vehicle towing the trailer."*

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2396, A bill for an act relating to the city of Sartell; authorizing the establishment of a redevelopment district.

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2405, A bill for an act relating to the city of Minneapolis; establishing an election day for the park and recreation board.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [EFFECT ON CHARTER, OTHER LAW.]

*Sections 2, 3, and 4 supersede conflicting provisions of the charter of the city of Minneapolis and other law.*

Sec. 2. [BOARD OF ESTIMATE AND TAXATION.]

*The term of the elected member of the board of estimate and taxation of the city of Minneapolis whose term would have been filled at a 1987 municipal election is extended to the first busi-*

ness day in January 1990. At the general municipal election in 1989, and every four years thereafter, the voters of the city of Minneapolis shall elect two members of the board, each for a term of four years.

### Sec. 3. [PARK AND RECREATION BOARD.]

*The terms of the commissioners of the park and recreation board of the city of Minneapolis, whose terms would have been filled at a 1987 municipal election are extended to the first business day in January 1990. At the general municipal election in 1989, and every four years thereafter the voters of the city shall elect nine commissioners, three at large and six from the park and recreation districts as provided for in the Minneapolis city charter.*

### Sec. 4. [LIBRARY BOARD.]

*The terms of the elected members of the library board of the city of Minneapolis whose terms would have been filled at a 1987 municipal election are extended to the first business day in January 1990. Those whose terms were filled during the 1985 municipal election are extended to the first business day in 1994. At the general municipal election in 1993 and every four years thereafter, the electors of the city of Minneapolis shall elect six members of the board, each for a term of four years.*

### Sec. 5. [EFFECTIVE DATE.]

*This act is effective after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the board of estimate and taxation of the city of Minneapolis, the park and recreation board of the city of Minneapolis, and the library board of the city of Minneapolis."*

Delete the title and insert:

"A bill for an act relating to elections in the city of Minneapolis; changing the time of election of certain board members; extending certain terms."

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2406, A bill for an act relating to unclaimed property; requiring that the sum payable on an abandoned warrant

issued by a county be conveyed to the issuing county for deposit in the county treasury; amending Minnesota Statutes 1984, section 345.48, subdivision 1.

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

The report was adopted.

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

H. F. No. 2411, A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; prescribing certain settlement procedures; amending Minnesota Statutes 1984, section 325F.665, as amended.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

“Article 1”

Page 2, line 9, delete “*primarily*” and insert “*used*”

Page 2, line 10, after “*purposes*” insert “*at least 40 percent of the time*”

Page 2, line 20, delete the first “*a*” and insert “*an arbitration*”

Page 2, lines 20 and 21, delete “*incorporated into the terms of a manufacturer’s written warranty*”

Page 2, after line 24, insert:

“(g) “*motor vehicle lessor*” means a person who holds title to a motor vehicle leased to a lessee under a written lease agreement or who holds the lessor’s rights under such agreement.

(h) “*early termination costs*” means expenses and obligations incurred by a motor vehicle lessor as a result of an early termination of a written lease agreement and surrender of a motor vehicle to a manufacturer under subdivision 4, including penalties for prepayment of finance arrangements and investment tax credits not allowed for the year in which such termination occurs and for prior years.

(i) “*early termination savings*” means expenses and obligations avoided by a motor vehicle lessor as a result of an early

*termination of a written lease agreement and surrender of a motor vehicle to a manufacturer under subdivision 4, including the interest charges the motor vehicle lessor would have otherwise paid to finance the motor vehicle."*

Page 5, line 32, after the period insert:

*"Nothing contained in this section shall prohibit a motor vehicle lessor from recovering early termination costs incurred or early termination savings received pursuant to this section."*

Page 6, line 26, strike "substantially"

Page 7, line 34, delete everything after "section"

Page 7, delete lines 35 and 36

Page 8, line 1, delete everything before the period

Page 8, line 3, delete everything after "consider"

Page 8, delete lines 4 and 5

Page 8, line 6, delete everything before "any"

Page 8, after line 31, insert:

#### "Article 2

### FARM EQUIPMENT WARRANTY COMPLIANCE

#### Section 1. [325F.6651] [DEFINITIONS.]

*Subdivision 1. [APPLICATION.] For the purpose of sections 1 to 8, the following terms have the meanings given them.*

*Subd. 2. [FARM TRACTOR.] "Farm tractor" means any self-propelled vehicle which is designed primarily for pulling or propelling agricultural machinery and implements and is used principally in the occupation or business of farming, including an implement of husbandry, as defined in section 169.01, subdivision 55, that is self-propelled.*

*Subd. 3. [CONSUMER.] "Consumer" means a purchaser, other than for purposes of resale, of a new farm tractor, a person to whom the new farm tractor is transferred for the same purposes during the duration of an express warranty applicable to the farm tractor and any other person entitled by the terms of the warranty to enforce the terms of the warranty.*

*In the case of an agricultural vehicle within the warranty period, the sale must be made through an authorized farm equipment dealer.*

**Subd. 4. [MANUFACTURER.]** *"Manufacturer" means a person engaged in the business of manufacturing, assembling, or distributing farm tractors, who under normal business conditions during the year, manufactures, assembles, or distributes to dealers at least ten new farm tractors.*

**Subd. 5. [MANUFACTURER'S EXPRESS WARRANTY; WARRANTY.]** *"Manufacturer's express warranty" and "warranty" mean the written warranty of the manufacturer of a new farm tractor of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under that warranty.*

**Subd. 6. [FAIR RENTAL VALUE.]** *"Fair rental value" means the rental value calculated in accordance with the "Tractor and Farm Equipment Trade-In Guide" published by the national farm and power equipment dealers association.*

**Subd. 7. [NONCONFORMITY.]** *"Nonconformity" means any condition of the farm tractor that makes it impossible to use for the purpose for which it was intended.*

**Subd. 8. [REASONABLE ALLOWANCE FOR PRIOR USE.]** *"Reasonable allowance for prior use" shall mean no less than the fair rental value of the farm tractor and shall be the sum of:*

*(1) that amount attributable to use by the consumer prior to the consumer's first report of the nonconformity to the manufacturer or its authorized dealers;*

*(2) that amount attributable to use by the consumer during any period subsequent to such report of the reported nonconformity; and*

*(3) that amount attributable to use by the consumer of the farm tractor provided by the manufacturer or its authorized dealers while the farm tractor is out of service by reason of repair of the reported nonconformity.*

**Sec. 2. [325F.6652] [NOTICE TO CONSUMER.]**

*At the time of purchase the manufacturer must provide directly to the consumer a written statement on a separate piece of paper, in 10-point all capital type, in substantially the following form: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. HOWEVER, TO BE ENTITLED TO REFUND OR REPLACE-*



**MENT, YOU MUST FIRST NOTIFY THE MANUFACTURER, ITS AGENT, OR ITS AUTHORIZED DEALER OF THE PROBLEM IN WRITING AND GIVE THEM AN OPPORTUNITY TO REPAIR THE VEHICLE."**

**Sec. 3. [325F.6653] [MANUFACTURER'S DUTY TO REPAIR.]**

*If a farm tractor does not conform to applicable express written warranties and the consumer reports the nonconformity to the manufacturer and its authorized dealer during the term of the express written warranties or during the period of one year following the date of the original delivery of the farm tractor to the consumer, whichever is earlier, the manufacturer or its authorized dealers shall make the repairs necessary to make the farm tractor conform to the express written warranties, notwithstanding that the repairs are made after the expiration of the warranty term or the one-year period. For a self-propelled vehicle this section is limited to warranties on the engine and power train.*

**Sec. 4. [325F.6654] [MANUFACTURER'S DUTY TO REFUND OR REPLACE.]**

*Subdivision 1. [DUTY.] (a) If the manufacturer or its authorized dealers are unable to make the farm tractor conform to any applicable express written warranty by repairing or correcting any condition which substantially impairs the use or market value of the farm tractor to the consumer within the time periods and after the number of attempts specified in subdivision 2, the manufacturer, through its authorized dealer who sold the farm tractor, shall, at the option of the consumer, replace the farm tractor with a comparable one, charging the consumer only a reasonable allowance for the consumer's use of the farm tractor, or accept the return of the farm tractor from the consumer and refund to the consumer the cash purchase price, including sales tax, license fees, registration fees, and any similar governmental charges, less a reasonable allowance for prior use. Refunds shall be made to the consumer and lienholder, if any, as their interests may appear in the county recorder's office. If no replacement or refund is made, the consumer may bring a civil action to enforce the obligation. No action may be brought unless the manufacturer has received prior direct written notification from or on behalf of the consumer and has been offered an opportunity to cure the condition alleged within a reasonable time that is not to exceed 60 business days.*

*(b) For a self-propelled vehicle, this section is limited to warranties on the engine and power train.*

*Subd. 2. [WHEN DUTY ARISES.] The replacement or refund obligation specified in subdivision 1 shall arise if the manufacturer or its authorized dealers are unable to make the farm*

tractor conform to applicable express written warranties within the express written warranty term or during the period of one year following the date of the original physical delivery of the farm tractor to the consumer, whichever is the earlier date, and (1) the same nonconformity has been subject to repair four or more times by the manufacturer or its authorized dealers, but such nonconformity continues to exist; or (2) the farm tractor is out of service by reason of repair of the same nonconformity for a cumulative total of 60 or more business days when the service department of the authorized dealer in possession of the farm tractor is open for purposes of repair, provided that days when the consumer has been provided by the manufacturer or its authorized dealers with the use of another farm tractor which performs the same function shall not be counted.

**Sec. 5. [325F.6655] [EXTENSION OF WARRANTY.]**

*The terms of any express written warranty, the one-year period, and the 60-day repair period shall be extended by any period of time during which repair services or replacement parts are not available to the consumer because of a war, invasion, or strike, or fire, flood, or other natural disaster.*

**Sec. 6. [325F.6656] [ALTERNATIVE DISPUTE SETTLEMENT.]**

*Subdivision 1. [PROCEDURE.] If a manufacturer has established, or participates in, an informal dispute settlement procedure which substantially complies with the provisions of the Code of Federal Regulations, title 16, part 703, as amended, and the requirements of this section, the provisions of section 4 concerning refunds or replacement do not apply to a consumer who has not first used this procedure.*

*Subd. 2. [FINDINGS AS EVIDENCE.] The findings and decisions in an informal dispute settlement procedure shall address and state in writing whether the consumer would be entitled to a refund or replacement under the presumptions and criteria set out in section 4, and are admissible as nonbinding evidence in any legal action and are not subject to further foundation requirements.*

*Subd. 3. [REPLACEMENT OR REFUND.] If, in an informal dispute settlement procedure, it is decided that a consumer is entitled to a replacement vehicle under section 4, then the consumer has the option of selecting and receiving either a replacement vehicle or a full refund as authorized by section 4. Any refund selected by a consumer shall include all amounts authorized by section 4.*

*Subd. 4. [REQUIREMENTS.] (a) In any informal dispute settlement procedure provided for by this section:*

(1) no documents shall be received by any informal dispute settlement mechanism unless those documents have been provided to each of the parties in the dispute prior to the mechanism's meeting, with an opportunity for the parties to comment on the documents in writing, or with oral presentation at the request of the mechanism;

(2) "nonvoting" manufacturer or dealer representatives shall not attend or participate in the internal dispute settlement procedures unless the consumer is also present and given a chance to be heard, or unless the consumer previously consents to the manufacturer or dealer participation without the consumer's presence and participation;

(3) consumers shall be given an adequate opportunity to contest a manufacturer's assertion that a nonconformity falls within intended specifications for the vehicle by having the basis of the manufacturer's claim appraised by a technical expert selected and paid for by the consumer prior to the informal dispute settlement hearing;

(4) no disputes shall be heard where there has been a recent attempt by the manufacturer to repair a consumer's vehicle, but no response has yet been received by the informal dispute mechanism from the consumer as to whether the repairs were successfully completed. This provision shall not prejudice a consumer's rights under this section nor shall it extend the informal dispute mechanism's 40-day time limit for deciding disputes, as established by the Code of Federal Regulations, title 16, part 703; and

(5) the manufacturer shall provide and the informal dispute settlement mechanism shall consider all information relevant to resolving the dispute, such as the prior dispute records and information required by the Code of Federal Regulations, title 16, part 703.6, and any relevant technical service bulletins which may have been issued by the manufacturer or lessor regarding the motor vehicle being disputed.

(b) A settlement reached under this section is binding on all participating parties.

Subd. 5. [EXHAUSTION OF SETTLEMENT REMEDY.] No consumer shall be required to first participate in an informal dispute settlement procedure before filing an action in district court if the informal dispute settlement procedure does not comply with the requirements of this section, notwithstanding the procedure's compliance with the Code of Federal Regulations, title 16, part 703.

Subd. 6. [CIVIL REMEDY.] Any consumer injured by a violation of this section may bring a civil action to enforce this section and recover costs and disbursements, including reasonable attorney's fees.

**Sec. 7. [325F.6657] [AFFIRMATIVE DEFENSES.]**

*It shall be an affirmative defense to claim under sections 1 to 8 that (1) an alleged nonconformity does not substantially impair such use and market value, or (2) a nonconformity is the result of abuse or neglect, or of modifications or alterations of the farm tractor not authorized by the manufacturer.*

**Sec. 8. [325F.6658] [LIMITATION ON ACTIONS.]**

*Any action brought under sections 1 to 8 shall be commenced within six months following (1) expiration of the express written warranty term, or (2) one year following the date of the original delivery of the farm tractor to the customer, whichever is later.*

**Sec. 9. [325F.6659] [REMEDY NONEXCLUSIVE.]**

*Nothing in sections 1 to 8 limits the rights or remedies which are otherwise available to a consumer under any other law.*

**Sec. 10. [EFFECTIVE DATE.]**

*Sections 1 to 9 apply to farm tractors sold after the first day of January following the effective date of sections 1 to 9."*

Amend the title as follows :

Page 1, line 4, after "vehicles" insert "and new farm tractors"

Page 1, line 6, before the period insert " ; proposing coding for new law in Minnesota Statutes, chapter 325F"

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2418, A bill for an act relating to Washington county; permitting the county to finance water systems on behalf of cities and towns in the county by the issuance of county general obligation bonds.

Reported the same back with the following amendments:

Page 2, delete lines 21 to 36

Page 3, delete lines 1 to 7

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

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.

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

The report was adopted.

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

H. F. No. 2469, A bill for an act relating to public safety; restricting local requirements for stairways to be enclosed in certain buildings; requiring local governing bodies to consider certain facts before enacting ordinances affecting housing; defining the term "stories"; amending Minnesota Statutes 1984, section 299F.011, subdivision 4, and by adding a subdivision; and Minnesota Statutes 1985 Supplement, section 16B.61, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 19, before "Any" insert "Notwithstanding" and delete "that provides that" and insert a comma

Page 2, line 20, after "may" insert "not"

Page 2, line 21, delete everything after "buildings"

Page 2, line 22, delete everything before "of"

Page 2, line 23, after "less" insert "to be enclosed" and after the period insert "For the purposes of this paragraph"

Page 3, after line 18, insert:

"Sec. 4. Minnesota Statutes 1984, section 299F.011, is amended by adding a subdivision to read:

*Subd. 4c. Notwithstanding any provision of the uniform fire code, a state agency or local unit of government may not require stairways of existing multiple dwelling buildings of two stories*

*or less to be enclosed. For the purposes of this subdivision the term "stories" has the meaning given it in the state building code."*

Renumber the sections in sequence

Page 3, line 20, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 8, delete "a subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2470, A bill for an act relating to occupations and professions; barbers; providing for compensation of board members for the performance of their examination duties; amending Minnesota Statutes 1984, section 154.22.

Reported the same back with the following amendments:

Page 2, line 6, after "and" delete "\$50" and insert "\$35"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2490, A bill for an act relating to human services; providing for exhaustion of benefits from other programs before payment of adoption subsidies; amending Minnesota Statutes 1984, section 259.40, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 259.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 259.40, subdivision 1, is amended to read:

Subdivision 1. [SUBSIDY PAYMENTS.] The commissioner of human services may make subsidy payments as he deems nec-

essary to (FAMILIES) *an adoptive parent or parents who adopt a child who is a Minnesota resident and is under (STATE) guardianship of the commissioner or (A MINNESOTA RESIDENT FROM) of a licensed child placing agency after the (ADOPTIVE PLACEMENT OF THE CHILD) final decree of adoption is issued.* The subsidy payments and any subsequent modifications to the subsidy payments shall be based on the needs of the child which the commissioner has determined cannot be met by using other resources including programs available to the child and the child's adoptive parent or parents.

Sec. 2. Minnesota Statutes 1984, section 259.40, subdivision 2, is amended to read:

Subd. 2. [SUBSIDY AGREEMENT.] The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When *a parent or parents* are found and approved for *adoptive* placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, (THERE MUST BE) a written agreement (IN ACCORDANCE WITH THE RULES PROMULGATED BY) *shall be entered into by* the commissioner, (BETWEEN) the *adoptive* parent or parents (ENTERING INTO THE SUBSIDIZED ADOPTION), and the placing agency (, CLEARLY SETTING). *The written agreement shall be in the form prescribed by the commissioner and shall set forth the responsibilities of all parties (AND), the anticipated duration of the subsidy payments, and the payment terms (OF THE SUBSIDY AGREEMENT).* The *subsidy* agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for (MEDICAL, DENTAL, AND SURGICAL EXPENSES, PSYCHIATRIC AND PSYCHOLOGICAL EXPENSES, MAINTENANCE COSTS, AND OTHER COSTS NECESSARY FOR THE CHILD'S CARE AND WELL BEING. THE ANTICIPATED DURATION OF THE SUBSIDY SHALL BE SPECIFIED IN THE AGREEMENT) *basic maintenance expenses of food, clothing, and shelter; ongoing supplemental maintenance expenses related to the child's special needs; non-medical expenses periodically necessary for purchase of services, items, or equipment related to the child's special needs; and medical expenses.* The placing agency or the adoptive parent or parents shall provide written documentation to support requests for subsidy payments. The commissioner may require periodic reevaluation or subsidy payments. The amount of the subsidy payment may in no case exceed that which would be allowable for the child under foster family care.

Sec. 3. [259.406] [TRANSFER OF FUNDS.]

*The commissioner of human services may transfer funds into the subsidized adoption account when a deficit in the subsidized adoption program occurs pursuant to section 256F.05, subdivision 7."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1793, A bill for an act relating to local government; permitting an agreement to finance library construction in McGregor.

Reported the same back with the following amendments:

Page 1, line 20, after "*purpose.*" insert "*Obligations for the purpose may be issued without an election and shall not be subject to the general limit on net debt. In other respects, the debt shall be incurred and discharged in accordance with Minnesota Statutes, chapter 475.*"

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

The report was adopted.

Valento from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1794, A bill for an act relating to Washington county; permitting the negotiated sale of certain property; repealing a provision relating to county interests in certain hospital property; repealing Laws 1959, chapter 14, section 1, subdivision 5.

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

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1949, A bill for an act relating to natural resources; requiring public access restrictions to be the same as lake use restrictions; amending Minnesota Statutes 1984, sections 378.32, subdivisions 2, 6, and 7; and 459.20; proposing coding for new law in Minnesota Statutes, chapter 378.



Reported the same back with the following amendments:

Page 3, line 2, after "to" insert "*ordinances adopted pursuant to*" and after "*contracts*" delete "*creating*" and insert "*providing for*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rose from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 2018, A bill for an act relating to historical sites; renaming a state historic site and establishing new boundaries; amending Minnesota Statutes 1984, section 138.58, subdivision 34.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 582, 1247, 1774, 1953, 1971, 2015, 2160, 2182, 2200, 2236, 2297, 2311, 2328, 2350, 2393, 2405, 2406, 2411, 2418, 2464, 2469, 2470 and 2490 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1848, 985, 1526, 1793, 1794, 1949 and 2018 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Solberg, by request, introduced:

H. F. No. 2526, A bill for an act relating to education; requiring certain school districts to divide the district into separate election districts for the purpose of electing school board members; proposing coding for new law in Minnesota Statutes, chapter 123.

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

Wenzel, Peterson, Tunheim, McDonald and Lieder introduced :

H. F. No. 2527, A bill for an act relating to the environment; disapproving a nuclear waste repository in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Simoneau introduced :

H. F. No. 2528, A bill for an act relating to taxation; requiring withholding from payments to out-of-state contractors; proposing coding for new law in Minnesota Statutes, chapter 270.

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

Olsen, S., introduced :

H. F. No. 2529, A bill for an act relating to energy; providing for compensation by utilities of solid waste resource recovery facilities in metropolitan counties for electricity generated; setting term; amending Minnesota Statutes 1984, section 216B.164, subdivision 4.

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

Pappas, Greenfield and McLaughlin introduced :

H. F. No. 2530, A bill for an act relating to insurance; authorizing the commissioner of commerce to collect specific information from insurers; amending Minnesota Statutes 1984, section 60A.13, by adding a subdivision.

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

Kelly, Marsh, Seaberg, Blatz and Segal introduced:

H. F. 2531, A bill for an act relating to criminal procedure; altering the order of final argument in criminal cases; amending Minnesota Statutes 1985 Supplement, section 631.07.

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

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 1546.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1546, A bill for an act relating to transportation; railroads; providing that railroads must first offer property within right-of-way to leaseholders before selling it; proposing coding for new law in Minnesota Statutes, chapter 222.

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

### CONSENT CALENDAR

S. F. No. 1880 was reported to the House.

Upon objection of ten members S. F. No. 1880 was stricken from the Consent Calendar and returned to General Orders.

S. F. No. 1851, A bill for an act relating to state government; changing certain procedures related to the state archaeologist and archaeologic sites; amending Minnesota Statutes 1984, sections 138.35, subdivision 1; and 138.40, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DenOuden

The bill was passed and its title agreed to.

S. F. No. 496, A bill for an act relating to state departments and agencies; requiring the commissioner of administration to make surplus documents available to libraries; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

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

The bill was passed and its title agreed to.

H. F. No. 2427, A bill for an act relating to state lands; authorizing exchange of state property with Minnesota transportation museum property.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rice

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 Special Orders pending for Friday, March 7, 1986:

H. F. Nos. 2267, 2351, 2466, 2080 and 651.

## SPECIAL ORDERS

H. F. No. 2267 was reported to the House.

Sviggum and McDonald moved to amend H. F. No. 2267, the first engrossment, as follows:

Page 8, after line 27, insert:

"Sec. 6. [14.386] [EFFECTIVE PERIOD.]

*Notwithstanding any law to the contrary, all rules adopted by agencies are effective only until the end of the first regular annual legislative session following final adoption of the rules, unless a law is enacted extending the effective period of the rules. However, if final adoption of a rule occurs within 30 days of the adjournment of a regular annual legislative session, the rules may remain in effect until the end of the next regular annual legislative session. This section does not extend the effective period of rules that would otherwise expire before the periods specified in this section. This section applies only to rules adopted after the effective date of this section."*

Renumber subsequent sections

Page 11, line 22, after "to" insert "5, and"; after "7" insert "and 8"

Page 11, line 23, after the period insert "Section 6 is effective the day after final enactment, and applies to all rules adopted after that date."

A roll call was requested and properly seconded.

The question was taken on the Sviggum and McDonald amendment and the roll was called. There were 43 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Becklin	Carlson, D.	DenOuden	Gutknecht	Himle
Boo	Carlson, J.	Frederick	Hartinger	Jaros
Burger	Clausnitzer	Frerichs	Haukoos	Kalis

Kiffmeyer	Onnen	Richter	Stanius	Vanasek
Marsh	Ozment	Schafer	Sviggum	Waltman
McDonald	Piepho	Schoenfeld	Thiede	Zaffke
McPherson	Quist	Seaberg	Uphus	Spk. Jennings, D.
Miller	Redalen	Sherman	Valan	
Ogren	Rees	Simoneau	Valento	

Those who voted in the negative were:

Anderson, G.	Elioff	Knuth	Olsen, S.	Shaver
Backlund	Ellingson	Kostohryz	Olson, E.	Skoglund
Battaglia	Erickson	Krueger	Omann	Solberg
Beard	Fjoslien	Levi	Osthoff	Sparby
Begich	Forsythe	Lieder	Otis	Staten
Bennett	Frederickson	Long	Pauly	Thorson
Blatz	Greenfield	McEachern	Peterson	Tjornhom
Boerboom	Gruenes	McLaughlin	Piper	Tomlinson
Brandl	Hartle	Metzen	Price	Tompkins
Brinkman	Heap	Minne	Quinn	Tunheim
Brown	Jacobs	Munger	Rest	Vellenga
Carlson, L.	Jennings, L.	Murphy	Rice	Voss
Clark	Johnson	Nelson, D.	Riveness	Welle
Cohen	Kahn	Nelson, K.	Rose	Wenzel
Dempsey	Kelly	Neuenschwander	Scheid	Wynia
Dimler	Knickerbocker	Norton	Segal	

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

H. F. No. 2267, A bill for an act relating to administrative procedures; providing increased legislative oversight of administrative rulemaking; defining a rule; providing for exceptions to the rulemaking provisions of the administrative procedure act; 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.

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 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

McPherson	Onnen	Rees	Sherman	Tunheim
Metzen	Osthoff	Rest	Simoneau	Uphus
Miller	Otis	Rice	Skoglund	Valan
Minne	Ozment	Richter	Solberg	Valento
Murphy	Pauly	Riveness	Sparby	Vanasek
Nelson, D.	Peterson	Rose	Stanis	Vellenga
Nelson, K.	Piepho	Sarna	Staten	Voss
Neuenschwander	Piper	Schafer	Svigum	Waltman
Norton	Poppenhagen	Scheid	Thiede	Wenzel
Ogren	Price	Schoenfeld	Thorson	Wynia
Olsen, S.	Quinn	Seaberg	Tjornhom	Zaffke
Olson, E.	Quist	Segal	Tomlinson	Spk. Jennings, D.
Omann	Redalen	Shaver	Tompkins	

Those who voted in the negative were:

Welle

The bill was passed and its title agreed to.

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

H. F. No. 2351, A bill for an act relating to state real estate; permitting the sale of the old Shakopee correctional facility to the local government units.

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 115 yeas and 7 nays as follows:

Those who voted in the affirmative were:

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



Those who voted in the negative were:

DenOuden  
Knuth

Kostohryz  
Krueger

Peterson

Rice

Welle

The bill was passed and its title agreed to.

H. F. No. 2466 was reported to the House.

Dyke moved to amend H. F. No. 2466, the first engrossment, as follows:

Page 1, after line 6, insert:

"Section 1. [85.50] [DEFINITIONS.]

*Subdivision 1. [APPLICABILITY.] The following definitions apply for the purposes of sections 1 to 4.*

*Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of natural resources.*

*Subd. 3. [METAL DETECTOR.] "Metal detector" means an electronic device used to locate buried metal objects.*

*Subd. 4. [PERSON.] "Person" means an individual.*

Sec. 2. [85.51] [PERMIT REQUIRED; PERMIT TERM.]

*Subdivision 1. [PERMIT REQUIRED.] Except as provided in this section, no person may use a metal detector to search for buried metal objects beneath the surface of any state park, recreation area, or wayside unless the person possesses a permit issued by the commissioner and validated by any on-site manager of the park, area, or wayside. The commissioner shall issue a permit to any person completing an application provided by the commissioner and paying a fee of \$15. No permit is required for the use of a metal detector in a state park, recreation area, or wayside at the request of the commissioner. Permit fees collected by the commissioner shall be deposited in the state park maintenance fund.*

*Subd. 2. [PERMIT TERM; CONDITIONS.] A permit issued by the commissioner and validated by any on-site manager authorizes the person to whom it is issued to use a metal detector only in the place and in the manner provided on the permit and in this section, from the day after Labor Day to the Friday before the last Monday in May of the next calendar year. The permit holder may probe for buried objects only with a knife blade or screw driver. The permit may also contain such reasonable limitations or conditions concerning the manner or location of the area to*

*be searched, consistent with this section, as the commissioner or on-site manager of the park, recreation area, or wayside may prescribe.*

Sec. 3. [85.52] [LOCATION AND RETENTION OF ARTICLES.]

*Coins located by the use of a metal detector used pursuant to a permit issued under section 2 may be kept by the permittee. Jewelry and other personal articles located by a permittee shall be displayed to any on-site manager and, if the owner is not identified within a reasonable time, may be kept by the permittee. Artifacts of significant historical value located by a permittee shall be turned over to any on-site manager or to the commissioner if there is no on-site manager.*

Sec. 4. [85.53] [PENALTY.]

*A person who uses a metal detector in violation of section 2 or 3 or in violation of the terms and conditions of a permit issued under section 2 is guilty of a misdemeanor."*

Renumber the sections in order

Page 5, line 13, delete "This act is" and insert "Sections 5 to 7 are"

Amend the title accordingly

A roll call was requested and properly seconded.

DenOuden moved to lay the Dyke amendment to H. F. No. 2466 on the table. The motion did not prevail.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

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

Norton moved to amend the Dyke amendment to H. F. No. 2466, the first engrossment, as follows:

In line 21 of the amendment, delete "\$15" and insert "\$35"

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

The question recurred on the Dyke amendment and the roll was called. There were 85 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Knuth	Onnen	Seaberg
Battaglia	Fjoslien	Kvam	Ozment	Segal
Becklin	Forsythe	Levi	Pauly	Shaver
Begich	Frederick	Lieder	Piepho	Stanius
Bennett	Frederickson	Long	Poppenhagen	Sviggunn
Bishop	Frerichs	Marsh	Price	Thorson
Blatz	Gruenes	McDonald	Quinn	Tjornhom
Boo	Gutknecht	McEachern	Quist	Tomlinson
Brown	Hartle	McKasy	Redalen	Tompkins
Burger	Haukoos	McPherson	Rees	Uphus
Carlson, J.	Heap	Miller	Rest	Valan
Carlson, L.	Himle	Minne	Richter	Valento
Clausnitzer	Jacobs	Murphy	Riveness	Vanasek
Dempsey	Johnson	Ogren	Rose	Waltman
Dimler	Kelly	Olsen, S.	Sarna	Wenzel
Dyke	Kiffmeyer	Olson, E.	Schafer	Zaffke
Elioff	Knickerbocker	Omann	Scheid	Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.	Greenfield	Krueger	Peterson	Thiede
Boerboom	Hartinger	McLaughlin	Piper	Tunheim
Brandl	Jennings, L.	Munger	Rice	Vellenga
Brinkman	Kahn	Nelson, K.	Schoenfeld	Voss
Clark	Kalis	Neuenschwander	Skoglund	Welle
Cohen	Kostohryz	Norton	Solberg	Wynia
DenOuden				

The motion prevailed and the amendment was adopted.

Pursuant to rule 2.5, Gruenes requested that he be excused from voting on H. F. No. 2466. The request was granted and the House excused Gruenes from voting.

Norton moved that the House recess. The motion did not prevail.

Norton moved that H. F. No. 2466 be given its third reading. The motion did not prevail.

McPherson offered an amendment to H. F. No. 2466.

#### POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

H. F. No. 2466, A bill for an act relating to natural resources; permitting use of metal detectors on certain state lands under certain conditions; authorizing additions to and deletions from certain state parks and recreation areas; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 85.

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 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Frerichs moved that the names of Waltman and Hartinger be added as authors on H. F. No. 1971. The motion prevailed.

Valan moved that the names of Redalen and Rees be stricken as authors and the names of Anderson, G., and Sparby be added as authors on H. F. No. 2372. The motion prevailed.

Frederick moved that the name of O'Connor be added as an author on H. F. No. 2397. The motion prevailed.

Miller moved that the name of Kalis be stricken as an author on H. F. No. 2415. The motion prevailed.

Brandl moved that the name of Clark be added as an author on H. F. No. 2518. The motion prevailed.

Segal moved that the name of Clark be added as an author on H. F. No. 2521. The motion prevailed.

Bishop moved that H. F. No. 2519 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary.

A roll call was requested and properly seconded.

The question was taken on the Bishop motion and the roll was called. There were 68 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frerichs	McLaughlin	Pappas	Skoglund
Backlund	Greenfield	Miller	Pauly	Sparby
Bishop	Hartle	Minne	Peterson	Stanius
Blatz	Haukoos	Munger	Piper	Thorson
Boerboom	Heap	Murphy	Price	Tomlinson
Boo	Himle	Nelson, D.	Redalen	Tunheim
Brandl	Jaros	Nelson, K.	Rest	Valan
Carlson, J.	Jennings, L.	Neuenschwander	Riveness	Vellenga
Carlson, L.	Kahn	Norton	Rose	Voss
Clark	Kelly	Ogren	Scheid	Welle
Ellingson	Knuth	Olsen, S.	Schreiber	Wynia
Forsythe	Kostohryz	Olson, E.	Scaberg	Spk. Jennings, D.
Frederick	Levi	Osthoff	Segal	
Frederickson	Long	Otis	Shaver	

Those who voted in the negative were:

Battaglia	DenOuden	Kalis	Ozment	Thiede
Beard	Dimler	Kiffmeyer	Piepho	Tjornhom
Becklin	Dyke	Krueger	Quist	Tompkins
Begich	Elioff	Lieder	Rees	Uphus
Bennett	Erickson	Marsh	Rice	Valento
Brinkman	Fjoslien	McDonald	Richter	Vanasek
Brown	Gruenes	McEachern	Sarna	Waltman
Burger	Gutknecht	McKasy	Schafer	Wenzel
Carlson, D.	Hartinger	McPherson	Schoenfeld	Zaffke
Clausnitzer	Jacobs	Omann	Sherman	
Dempsey	Johnson	Onnen	Sviggum	

The motion prevailed and H. F. No. 2519 was re-referred to the Committee on Judiciary.

#### ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Monday, March 10, 1986. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Monday, March 10, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

