

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1986

EIGHTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 10, 1986

The House of Representatives convened at 12:00 noon and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Father Leonard Leander, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Brinkman, Kostohryz and McDonald were excused.

McKasy was excused until 12:25 p.m. Knuth was excused until 12:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Osthoff 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. 1971, 2182, 2200, 2236, 2328, 2406, 2464, 1247, 1953, 2160, 2297, 2311, 2411, 2470, 1774, 2015, 2393, 2405, 2418, 582, 2350, 2466, 2469 and 2490 and S. F. Nos. 1546, 1793 and 1949 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 5, 1986

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

Dear Sir:

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

H. F. No. 1794, relating to human services; extending the deadline for permanent rules for nursing home reimbursement under the medical assistance program; amending Minnesota Statutes 1984, sections 144.072, subdivision 2; and 256B.431, subdivision 6.

Sincerely,

RUDY PERPICH
Governor

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

March 5, 1986

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

The Honorable Jerome M. Hughes
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1986</i>	<i>Date Filed 1986</i>
1574		312	March 3	March 3
1612		313	March 5	March 5
1587		314	March 5	March 5
1575		315	March 5	March 5
	1794	316	March 5	March 5

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 943, A bill for an act relating to human services; providing state hospital revolving fund for chemical dependency; creating a consolidated fund for payment of chemical dependency treatment; appropriating money to counties for treatment; providing for client eligibility, vendor eligibility, and state collections; providing for American Indian special funding; removing chemical dependency treatment from medical assistance, general assistance medical care, and general assistance funding; amending Minnesota Statutes 1984, sections 246.04; 246.18; 246.51, subdivision 1; 256B.70; and 256E.08, subdivision 7; amending Min-

nesota Statutes 1985 Supplement, sections 246.23; 246.50, by adding a subdivision; 246.54; 256B.02, subdivision 8; and 256D.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 246; and proposing coding for new law as Minnesota Statutes, chapter 254B.

Reported the same back with the following amendments:

Page 2, line 25, after "provide" insert "*technical assistance and*"

Page 3, line 30, after "based" insert "*, state administered*"

Page 7, line 2, delete "*health and*"

Page 10, line 33, delete "*care*" and insert "*and appropriate treatment*"

Page 12, line 19, delete "*may*" and insert "*shall*"

Page 12, lines 26 and 27, delete "*this legislation*" and insert "*section 12*"

Page 12, line 32, after the period insert "*The commissioner shall submit a detailed plan of the proposed pilot projects for review to the chair of the health and human services division of the senate finance committee and the chair of the human services division of the house appropriations committee prior to the implementation of the pilot projects.*"

Page 14, line 11, delete "*determined*" and insert "*approved*"

Page 16, line 9, delete "*subdivision 3*" and insert "*subdivisions 3, 4, and 5*"

Page 26, line 27, delete "*in fiscal year 1988*" and insert "*for each biennium*"

Page 27, delete lines 11 and 12 and insert "*funding is made available to meet the cash flow and capital needs of the state hospital chemical dependency units as determined by the commissioner in consultation with the chief executive officers of those units.*"

Page 27, line 15, delete everything after the period and insert "*Sections 1 to 9; 10, subdivisions 1 to 5, 7 and 8; 11 to 14; and 16 to 23 are effective*"

Page 27, delete line 16

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 948, A bill for an act relating to marriage dissolution; allowing for a presumption of joint custody; requiring mediation services in contested custody matters; establishing a trust account in certain child support matters; amending Minnesota Statutes 1984, sections 518.17, subdivision 2; 518.551, subdivision 5; 518.57; 518.61; and 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1984, section 518.641.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 518.17, subdivision 2, is amended to read:

Subd. 2. [FACTORS WHEN JOINT CUSTODY IS SOUGHT.] In addition to the factors listed in subdivision 1, where either joint legal or joint physical custody is contemplated or sought, the court shall consider the following relevant factors:

(a) The ability of parents to cooperate in the rearing of their children;

(b) Methods for resolving disputes regarding any major decision concerning the life of the child, and the parents' willingness to use those methods; and

(c) Whether it would be detrimental to the child if one parent were to have sole authority over the child's upbringing.

The court shall use a rebuttable presumption that upon request of either or both parties, joint legal custody is in the best interests of the child.

Sec. 2. Minnesota Statutes 1984, section 518.17, subdivision 5, is amended to read:

Subd. 5. [DEVIATION FROM GUIDELINES.] The court may order the noncustodial parent to pay support in an amount (BELOW) *deviating from* the appropriate amount determined from the guidelines in section 518.551, subdivision 5 (FOR USE IN PUBLIC ASSISTANCE CASES, ONLY) after considering the factors in subdivision 4 of this section and making express findings of fact as to the reason for the (LOWER) order. (AN ORDER FOR SUPPORT IN AN AMOUNT BELOW THE GUIDELINES MUST INCLUDE FINDINGS OF FACT REGARDING THE FINANCIAL RESOURCES AND NEEDS OF THE CHILD.)

Sec. 3. Minnesota Statutes 1984, section 518.17, is amended by adding a subdivision to read:

Subd. 6. [DEPARTURE FROM GUIDELINES BASED ON JOINT CUSTODY.] An award of joint legal custody is not a reason for departure from the guidelines in section 518.551, subdivision 5.

Sec. 4. Minnesota Statutes 1984, section 518.175, is amended by adding a subdivision to read:

Subd. 6. [COMPENSATORY VISITATION.] If the court finds that the noncustodial parent has been wrongfully deprived of the duly established right to visitation, the court shall order the custodial parent to permit additional visits to compensate for the visitation of which the noncustodial parent was deprived. Additional visits must be:

(1) of the same type and duration as the wrongfully denied visit;

(2) taken within one year after the wrongfully denied visit; and

(3) at a time acceptable to the noncustodial parent.

Sec. 5. Minnesota Statutes 1984, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support (BY MULTIPLYING) as provided in this subdivision. The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the interest of justice. In other cases the court shall order child support in accordance with the guidelines and the other factors set forth in paragraph (b) and section 518.17, subdivision 4, and any departure therefrom.

(1) The court shall multiply the (OBLIGOR'S) total net income of the parents by the percentage indicated by the following guidelines:

Total Net Income Per Month of (OBLIGOR) <i>Parents</i>	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the (OBLIGOR) <i>parents</i> to provide support at these income levels, or at higher levels, if the (OBLIGOR HAS) <i>parents</i> have the earning ability.						
\$ 401- 500	14%	17%	20%	22%	24%	26%	28%
\$ 501- 550	15%	18%	21%	24%	26%	28%	30%
\$ 551- 600	16%	19%	22%	25%	28%	30%	32%
\$ 601- 650	17%	21%	24%	27%	29%	32%	34%
\$ 651- 700	18%	22%	25%	28%	31%	34%	36%
\$ 701- 750	19%	23%	27%	30%	33%	36%	38%
\$ 751- 800	20%	24%	28%	31%	35%	38%	40%
\$ 801- 850	21%	25%	29%	33%	36%	40%	42%
\$ 851- 900	22%	27%	31%	34%	38%	41%	44%
\$ 901- 950	23%	28%	32%	36%	40%	43%	46%
\$ 951- 1000	24%	29%	34%	38%	41%	45%	48%
\$1001-(6000) 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for (AN OBLIGOR) *parents* with a monthly income of (\$6001) \$4001 or more shall be the same dollar amounts as provided for in the guidelines for (AN OBLIGOR) *parents* with a monthly income of (\$6000) \$4000.

Net Income defined as:

Total monthly
income less

- *((1)) (i) Federal Income Tax
- *((2)) (ii) State Income Tax
- ((3)) (iii) Social Security
Deductions
- ((4)) (iv) (MANDATORY)
Reasonable Pension
Deductions

*Standard
Deductions apply—
use of tax tables
recommended

- ((5)) (v) Union Dues
- ((6)) (vi) Cost of Dependent Insurance Coverage
- ((7)) (vii) Cost of Individual Health/Hospitalization Coverage or an (EQUIVALENT) Amount for Actual Medical Expenses
- ((viii)) *In the Case of the Custodial Parent, Amount of Aid to Families with Dependent Children Received by the Parent or the Amount that the Parent would be Eligible for if the Parent were not Employed*
- ((ix)) *A Child Support or Maintenance Order that is Currently Being Paid.*

"Total net income" includes the net income of both parents. "Total net income" does not include the income of either parent's spouse. The court may consider a noncustodial parent's earning capacity in calculating the parent's net income if the parent's actual net income does not accurately reflect the parent's current earning capacity or if the parent has voluntarily reduced income.

(2) *The court shall add to the amount calculated under clause (1) the reasonable cost of child care incurred by the custodial parent for the generation of income.*

(3) *The court shall set the noncustodial parent's support obligation by multiplying the amount under clause (2) by an amount equal to the proportion that the noncustodial parent's net income bears to the total net income of the parents.*

((A)) (b) *In addition to the child support (PAYMENT) guidelines, the court shall take into consideration the following (CRITERIA) factors in setting or modifying child support:*

(1) *all earnings, income, and resources of the (OBLIGOR) parents, including real and personal property;*

((2)) *THE BASIC LIVING NEEDS OF THE OBLIGOR;*

((3)) (2) *the financial needs of the child or children to be supported; and*

(4) THE AMOUNT OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN GRANT FOR THE CHILD OR CHILDREN)

(3) *the parents' debts as provided in paragraph (c).*

((B)) (c) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) *the court determines that the debt was reasonably incurred for necessary support of the child or (OBLIGEE) parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and*

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid (; AND)

((4) THE COURT DETERMINES THAT THE DEBT WAS LEGITIMATELY INCURRED FOR THE NECESSARY SUPPORT OF THE CHILD OR OBLIGEE OR FOR THE NECESSARY GENERATION OF INCOME).

Any schedule prepared under paragraph ((B)) (c), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(THE COURT SHALL ORDER CHILD SUPPORT IN ACCORDANCE WITH THE GUIDELINES AND ANY DEPARTURE THEREFROM.) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

((C) PREVIOUS SUPPORT ORDERS AND MAINTENANCE ORDERS MAY BE CONSIDERED IF THE OBLIGOR IS PAYING THEM.)

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court *considers the factors in section 518.17, subdivision 4, and makes express findings of fact as to the reason for departure below or above the guidelines (IN THAT CASE IN WHICH THE COURT ORDERS SUPPORT THAT SO DEVIATES FROM THE GUIDELINES). (IT MAY ALSO INCREASE THE AMOUNT OF CHILD SUPPORT BY MORE THAN THE GUIDELINES WITHOUT MAKING EXPRESS FINDINGS BY AGREEMENT OF THE PARTIES OR BY MAKING FURTHER FINDINGS.)*

Sec. 6. Minnesota Statutes 1984, section 518.57, is amended to read:

518.57 [MINOR CHILDREN, SUPPORT.]

Subdivision 1. [ORDER.] Upon a decree of dissolution, legal separation or annulment, the court may make a further order which is just and proper concerning the maintenance of the minor children as (IS) provided by section 518.17, and for the maintenance of any child of the parties as defined in section 518.54, as support money, and may make the same a lien or charge upon the property of the parties to the proceeding, or either of them, either at the time of the entry of the judgment or by subsequent order upon proper application (THEREFOR).

Subd. 2. [SEASONAL INCOME.] The court shall establish the annual support of an obligor with a seasonal income so that the obligor makes either the same monthly payments throughout the year or monthly payments that reflect variations in income.

Sec. 7. Minnesota Statutes 1984, section 518.611, is amended by adding a subdivision to read:

Subd. 10. [ORDER TERMINATING INCOME WITHHOLDING.] Whenever an obligation for support of a child or maintenance of a spouse, or both, terminates under the terms of the order or decree establishing the obligation, and where the obligation is enforced by an order for income withholding from the obligor, the court shall enter an order, directed to the obligor's employer or other payer of funds, which terminates the income withholding. The order terminating income withholding must specify the effective date of the order, referencing the initial order or decree establishing the support obligation.

Sec. 8. [518.619] [CONTESTED CUSTODY; MEDIATION SERVICES.]

Subdivision 1. [MEDIATION PROCEEDING.] Except as provided in subdivision 2, if it appears on the face of the petition or other application for an order or modification of an order for the custody of a child that custody is contested, the matter may be set for mediation of the contested issue prior to or concurrent with setting the matter for hearing. The purpose of the mediation proceeding is to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use best efforts to effect a settlement of the custody dispute.

Subd. 2. [EXCEPTION.] If the court determines that there is probable cause that one of the parties, or a child of a party, has been physically or sexually abused by the other party, the court shall not require mediation.

Subd. 3. [MEDIATOR APPOINTMENT.] In order to participate in a custody mediation, a mediator must be appointed by the family court. A mediator must be a member of the professional staff of a family court, probation department, mental health services agency, or a private mediation service. The mediator must be on a list of mediators approved by the court having jurisdiction of the matter, unless the parties stipulate to a mediator not on the list.

Subd. 4. [MEDIATOR QUALIFICATIONS.] A mediator who performs mediation in contested child custody matters shall meet the following minimum qualifications:

(a) knowledge of the court system and the procedures used in contested child custody matters;

(b) knowledge of other resources in the community to which the parties to contested child custody matters can be referred for assistance;

(c) knowledge of child development, clinical issues relating to children, the effects of marriage dissolution on children, and child custody research; and

(d) a minimum of 40 hours of certified mediation training.

Subd. 5. [RECORDS; PRIVATE DATA.] Mediation proceedings shall be conducted in private. All records of a mediation proceeding shall be private, except that they shall be available as evidence in an action for marriage dissolution and related proceedings on any issue in controversy in the dissolution. Oral and written communications from the parties to the mediator made in a mediation proceeding shall be deemed an official record within the meaning of section 600.22.

Subd. 6. [MEDIATOR RECOMMENDATIONS.] When the parties have not reached agreement as a result of the mediation proceeding, the mediator may recommend to the court that an investigation be conducted under section 518.167, or that other action be taken to assist the parties to resolve the controversy before hearing on the issues. The mediator shall not conduct the investigation. The mediator may recommend that mutual restraining orders be issued in appropriate cases, pending determination of the controversy, to protect the well-being of the children involved in the controversy.

Subd. 7. [MEDIATION AGREEMENT.] An agreement reached by the parties as a result of mediation shall be discussed with the attorneys, if any, for the parties by the parties, and the approved agreement may then be included in the marital dissolution decree or other stipulation submitted to the court.

Subd. 8. [RULES.] Each court shall adopt rules to implement this section, and shall compile and maintain a list of mediators.

Sec. 9. Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] The terms of a decree respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost-of-living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair. On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court shall take into consideration the needs of the children and *shall not consider* the financial circumstances of each party's spouse, if any. A modification which decreases support or maintenance may be made retroactive only upon a showing that any failure to pay in accord with the terms of the original order was not willful. A modification which increases support or maintenance shall not be made retroactive if the obligor has substantially complied with the previous order. Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Sec. 10. [EFFECTIVE DATE.]

Section 8 is effective January 1, 1987."

Delete the title and insert:

"A bill for an act relating to marriage dissolution; providing a presumption for joint legal custody; providing for custody mediation; regulating support determinations; amending Minnesota Statutes 1984, sections 518.17, subdivisions 2 and 5, and by adding a subdivision; 518.175, by adding a subdivision; 518.551, subdivision 5; 518.57; 518.611, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 518.64, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518."

With the recommendation that when so amended the bill pass.

The report was adopted.

McKasy from the Committee on Judiciary to which was referred:

H. F. No. 1796, A bill for an act relating to agriculture; declaring crop ownership; prescribing a procedure for planting crop owners to recover crop values; providing liens on crops and property; prescribing satisfaction and enforcement of liens; proposing coding for new law in Minnesota Statutes, chapter 557; repealing Minnesota Statutes 1984, sections 561.11; 561.12; 561.13; 561.14; 561.15; and 561.16.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1984, section 542.06, is amended to read:

542.06 [REPLEVIN.]

Actions to recover the possession of personal property wrongfully taken shall be tried in the county in which the taking occurred (,) or (, AT CLAIMANT'S ELECTION, IN THE COUNTY IN WHICH HE RESIDES; IN OTHER CASES) in the county in which the property is situated."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 6, after the semicolon insert "modifying venue to recover possession of personal property; amending Minnesota Statutes 1984, section 542.06;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 1810, A bill for an act relating to local government; directing the department of energy and economic development to refund certain bond deposits; appropriating money.

Reported the same back with the recommendation that 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. 1932, A bill for an act relating to human services; modifying the preadmission screening program; establishing requirements for medical assistance rate appeals procedures for intermediate care facilities; amending Minnesota Statutes 1985 Supplement, sections 256B.091, subdivisions 2, 4, 5, and 8; and 256B.501, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 144.562, subdivision 3, is amended to read:

Subd. 3. [APPROVAL OF LICENSE CONDITION.] The commissioner of health shall approve a license condition for swing beds if the hospital meets all of the criteria of this subdivision:

(a) The hospital must meet the eligibility criteria in subdivision 2.

(b) The hospital must be in compliance with the medicare conditions of participation for swing beds under Code of Federal Regulations, title 42, section 405.1041.

(c) The hospital must agree, in writing, to limit the length of stay of a patient receiving services in a swing bed to not more than 40 days, or the duration of medicare eligibility, unless the commissioner of health approves a greater length of stay in an emergency situation. To determine whether an emergency situation exists, the commissioner shall require the hospital to provide documentation that continued services in the swing bed are required by the patient; that no skilled nursing facility beds are available within 25 miles from the patient's home, or in some more remote facility of the resident's choice, that can provide the appropriate level of services required by the patient; and that other alternative services are not available to meet the needs of the patient. If the commissioner approves a greater length of stay, the hospital shall develop a plan providing for the discharge of the patient upon the availability of a nursing home bed or other services that meet the needs of the patient. Permission to extend a patient's length of stay must be requested by the hospital at least ten days prior to the end of the maximum length of stay.

(d) The hospital must agree, in writing, to limit admission to a swing bed only to (1) patients who have been hospitalized and not yet discharged from the facility, or (2) *patients who are transferred directly from an acute care hospital to a swing bed in any other hospital.*

Sec. 2. Minnesota Statutes 1985 Supplement, section 144A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or the addition of a new licensed nursing home bed, under the following conditions:

(a) to replace a bed decertified after May 23, 1983 or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives;

(b) to certify a new bed in a facility that commenced construction before May 23, 1983. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were secured;

(c) to certify beds in a new nursing home that is needed in order to meet the special dietary needs of its residents, if: the nursing home proves to the commissioner's satisfaction that the needs of its residents cannot otherwise be met; elements of the special diet are not available through most food distributors; and proper preparation of the special diet requires incurring various operating expenses, including extra food preparation or serving items, not incurred to a similar extent by most nursing homes;

(d) to license a new nursing home bed in a facility that meets one of the exceptions contained in clauses (a) to (c);

(e) to license nursing home beds in a facility that has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and has either commenced any required construction as defined in clause (b) before May 1, 1985, or has, before May 1, 1985, received from the commissioner approval of plans for phased-in construction and written authorization to begin construction on a phased-in basis. For the purpose of this clause, "construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the nursing home licensure rules; (OR)

(f) to certify or license new beds in a new facility that is to be operated by the commissioner of veterans' affairs or when the costs of constructing and operating the new beds are to be reimbursed by the commissioner of veterans' affairs or the United States Veterans Administration; or

(g) to accomplish the reconfiguration or replacement of nursing home beds provided that the number of licensed beds does not increase and that the facility's current and subsequent property-related payment rates do not increase as a result of the change.

Sec. 3. Minnesota Statutes 1985 Supplement, section 256.969, subdivision 2, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per admission until the commissioner can begin to reimburse hospitals for

services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems, including medicare. The commissioner may incorporate the grouping of hospitals with similar characteristics for uniform rates upon the development and implementation of the diagnostic classification system. Prior to implementation of the diagnostic classification system, the commissioner shall report the proposed grouping of hospitals to the senate health and human services committee and the house health and welfare committee. *Effective August 1, 1985, the computation of the base year cost per admission and the computation of the relative values of the diagnostic categories must include identified outlier cases and their weighted costs up to the point that they become outlier cases, but must exclude costs and days beyond that point. Claims paid for care provided on or after August 1, 1985, shall be adjusted to reflect a recomputation of rates. The commissioner may reconstitute the diagnostic categories to reflect actual hospital practices, the specific character of specialty hospitals, or to reduce variances within the diagnostic categories after notice in the state register and a 30 day comment period.* Medical assistance and general assistance medical care reimbursement for treatment of mental illness shall be reimbursed based upon diagnosis classifications. The commissioner may selectively contract with hospitals for services within the diagnostic classifications relating to mental illness and chemical dependency under competitive bidding when reasonable geographic access by recipients can be assured. No physician shall be denied the privilege of treating a recipient required to utilize a hospital under contract with the commissioner, as long as the physician meets credentialing standards of the individual hospital.

Sec. 4. Minnesota Statutes 1985 Supplement, section 256B.-091, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home or boarding care home placement by establishing a program of preadmission screening teams for all (APPLICANTS SEEKING) *medical assistance recipients and any individual who would become eligible for medical assistance within 180 days of admission to a licensed nursing home or boarding care home participating in the medical assistance program.* Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home or boarding care home admissions. The commissioners of human services and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available.

Sec. 5. Minnesota Statutes 1985 Supplement, section 256B.-091, subdivision 2, is amended to read:

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of human services to participate in the program shall contract with the local board of health organized under sections 145.911 to 145.922 or other public or nonprofit agency to establish a screening team to assess (THE HEALTH AND SOCIAL NEEDS OF ALL APPLICANTS), prior to admission to a nursing home or a boarding care home licensed under section 144A.02 or sections 144.50 to 144.56, that is certified for medical assistance as a skilled nursing facility, intermediate care facility level I, or intermediate care facility level II, *the health and social needs of medical assistance recipients and any individuals who would become eligible for medical assistance within 180 days of nursing home or boarding care home admission.* Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. If a person who has been screened must be reassessed for purposes of assigning a case mix classification because admission to a nursing home occurs later than the time allowed by rule following the initial screening and assessment, the reassessment may be completed by the public health nurse member of the screening team. If the individual is being discharged from an acute care facility, a discharge planner from that facility may be present, at the facility's request, during the screening team's assessment of the individual and may participate in discussions but not in making the screening team's recommendations under subdivision 3, clause (e). If the assessment procedure or screening team recommendation results in a delay of the individual's discharge from the acute care facility, the facility shall not be denied medical assistance reimbursement or incur any other financial or regulatory penalty of the medical assistance program that would otherwise be caused by the individual's extended length of stay (; 50 PERCENT OF THE COST OF THIS REIMBURSEMENT OR FINANCIAL OR REGULATORY PENALTY SHALL BE PAID BY THE STATE AND 50 PERCENT SHALL BE PAID BY THE COUNTY). Other personnel as deemed appropriate by the county agency may be included on the team. The county agency may contract with an acute care facility to have the facility's discharge planners perform the functions of a screening team with regard to individuals discharged from the facility and in those cases the discharge planners may participate in making recommendations under subdivision 3, clause (e). No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or noninstitutional referral such that it would not be possible for the member to consider each case objectively. *Nothing in this subdivision shall prohibit a county agency from sending only a public health nurse to perform the screening.*

Sec. 6. Minnesota Statutes 1985 Supplement, section 256B.-091, subdivision 4, is amended to read:

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home or boarding care home admission, screening teams shall assess the needs of all (APPLICANTS) *persons receiving medical assistance and of all persons who would be eligible for medical assistance within 180 days of admission to a nursing home or boarding care home*, except (1) patients transferred from other nursing homes; (2) patients who, having entered acute care facilities from nursing homes, are returning to nursing home care; (3) persons entering a facility described in section 256B.431, subdivision 4, paragraph (b); (4) *individuals whose length of stay is expected to be 30 days or less based on a physician's certification, if the facility notifies the screening team upon admission and provides an update to the screening team on the 30th day after admission*; (5) *individuals who have a contractual right to have their nursing home care paid for indefinitely by the veteran's administration*; or ((4)) (6) persons entering a facility conducted by and for the adherents of a recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing. The cost for screening persons who are receiving medical assistance or who would be eligible for medical assistance within 180 days of nursing home or boarding care home admission, must be paid by state, federal, and county money. Other persons shall be assessed by a screening team upon payment of a fee approved by the commissioner.

Sec. 7. Minnesota Statutes 1985 Supplement, section 256B.-091, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] Appeals from the screening team's recommendation shall be made pursuant to the procedures set forth in section 256.045, subdivisions 2 and 3. (AN APPEAL SHALL BE AUTOMATIC IF THE INDIVIDUAL'S PHYSICIAN DOES NOT AGREE WITH THE RECOMMENDATION OF THE SCREENING TEAM.)

Sec. 8. Minnesota Statutes 1985 Supplement, section 256B.-091, subdivision 8, is amended to read:

Subd. 8. [ALTERNATIVE CARE GRANTS.] The commissioner shall provide grants to counties participating in the program to pay costs of providing alternative care to individuals screened under subdivision 4 *and nursing home residents who request a screening. Prior to July of each year, the commissioner shall allocate state funds available for alternative care grants to each local agency. This allocation must be made as follows: half of the state funds available for alternative care grants must be allocated to each county according to the total number of adults in that county who are recipients age 65 or older who are reported to the department by March 1 of each state fiscal year*

and half of the state funds available for alternative care grants must be allocated to a county according to that county's number of medicare enrollments age 65 or older for the most recent statistical report. Payment is available under this subdivision only for individuals (1) for whom the screening team would recommend nursing home admission or continued stay if alternative care were not available; (2) who are receiving medical assistance or who would be eligible for medical assistance within 180 days of admission to a nursing home; (3) who need services that are not available at that time in the county through other public assistance; and (4) who are age 65 or older.

The commissioner shall establish, by rule, in accordance with chapter 14 procedures for determining grant reallocations, limits on the rates for payment of approved services, and submittal and approval of a biennial county plan for the administration of the preadmission screening and alternative care grants program. Grants may be used for payment of costs of providing care-related supplies, equipment, and services such as, but not limited to, foster care for elderly persons, day care whether or not offered through a nursing home, nutritional counseling, or medical social services, which services are provided by a licensed health care provider, a home health service eligible for reimbursement under Titles XVIII and XIX of the federal Social Security Act, or by persons employed by or contracted with by the county board or the local welfare agency. The county agency shall ensure that a plan of care is established for each individual in accordance with subdivision 3, clause (e) (2), and that a client's service needs and eligibility is reassessed at least every six months. The plan shall include any services prescribed by the individual's attending physician as necessary and follow up services as necessary. The county agency shall provide documentation to the commissioner verifying that the individual's alternative care is not available at that time through any other public assistance or service program and shall provide documentation in each individual's plan of care and to the commissioner that the most cost effective alternatives available have been offered to the individual and that the individual was free to choose among available qualified providers, both public and private. The county agency shall document to the commissioner that the agency made reasonable efforts to inform potential providers of the anticipated need for services under the alternative care grants program and that the agency allowed potential providers an opportunity to be selected to contract with the county board. Grants to counties under this subdivision are subject to audit by the commissioner for fiscal and utilization control.

The commissioner shall establish a sliding fee schedule for requiring payment for the cost of providing services under this subdivision to persons who are eligible for the services but who are not yet eligible for medical assistance. The sliding fee schedule is not subject to chapter 14 but the commissioner shall publish the schedule and any later changes in the State Register

and allow a period of 20 working days from the publication date for interested persons to comment before adopting the sliding fee schedule in final forms.

The commissioner shall apply for a waiver for federal financial participation to expand the availability of services under this subdivision. The commissioner shall provide grants to counties from the nonfederal share, unless the commissioner obtains a federal waiver for medical assistance payments, of medical assistance appropriations. A county agency may use grant money to supplement but not supplant services available through other public assistance or service programs and shall not use grant money to establish new programs for which public money is available through sources other than grants provided under this subdivision. A county agency shall not use grant money to provide care under this subdivision to an individual if the anticipated cost of providing this care would exceed the average payment, as determined by the commissioner, for the level of nursing home care that the recipient would receive if placed in a nursing home. The nonfederal share may be used to pay up to 90 percent of the start-up and service delivery costs of providing care under this subdivision. Each county agency that receives a grant shall pay ten percent of the costs.

The commissioner shall promulgate emergency rules in accordance with sections 14.29 to 14.36, to establish required documentation and reporting of care delivered.

Sec. 9. Minnesota Statutes 1985 Supplement, section 256B.48, subdivision 1b, is amended to read:

Subd. 1b. [EXCEPTION.] Notwithstanding any agreement between a nursing home and the department of human services or the provisions of this section or section 256B.411, other than subdivision 1a of this section, the commissioner may authorize continued medical assistance payments to a nursing home which ceased intake of medical assistance recipients prior to July 1, 1983, and which charges private paying residents rates that exceed those permitted by subdivision 1, paragraph (a), for (i) residents who resided in the nursing home before July 1, 1983, or (ii) residents for whom the commissioner or any predecessors of the commissioner granted a permanent individual waiver prior to October 1, 1983. *Nursing homes seeking continued medical assistance payments under this subdivision shall make the reports required under subdivision 2, except that on or after December 31, 1985, the financial statements required need not be audited by or contain the opinion of a certified public accountant or licensed public accountant, but need only be reviewed by a certified public accountant or licensed public accountant.* In the event that the state is determined by the federal government to be no longer eligible for the federal share of medical assistance payments made to a nursing home under this

subdivision, the commissioner may cease medical assistance payments, under this subdivision, to that nursing home.

Sec. 10. Minnesota Statutes 1985 Supplement, section 256B.-501, subdivision 3, is amended to read:

Subd. 3. [RATES FOR INTERMEDIATE CARE FACILITIES FOR PERSONS WITH MENTAL RETARDATION OR RELATED CONDITIONS.] The commissioner shall establish, by rule, procedures for determining rates for care of residents of intermediate care facilities for persons with mental retardation or related conditions. The procedures shall be based on methods and standards that the commissioner finds are adequate to provide for the costs that must be incurred for the care of residents in efficiently and economically operated facilities. In developing the procedures, the commissioner shall include:

(a) cost containment measures that assure efficient and prudent management of capital assets and operating cost increases which do not exceed increases in other sections of the economy;

(b) limits on the amounts of reimbursement for property, general and administration, and new facilities;

(c) requirements to ensure that the accounting practices of the facilities conform to generally accepted accounting principles; (AND)

(d) incentives to reward accumulation of equity; and

(e) *appeals procedures that satisfy the requirements of section 256B.50 for appeals of decisions arising from the application of standards or methods pursuant to Minnesota Rules, parts 9510.0500 to 9510.0890, 9553.0010 to 9553.0080, and 12 MCAR 2.05301 to 2.05315 (temporary).*

In establishing rules and procedures for setting rates for care of residents in intermediate care facilities for persons with mental retardation or related conditions, the commissioner shall consider the recommendations contained in the February 11, 1983, Report of the Legislative Auditor on Community Residential Programs for the Mentally Retarded and the recommendations contained in the 1982 Report of the Department of Public Welfare Rule 52 Task Force. Rates paid to supervised living facilities for rate years beginning during the fiscal biennium ending June 30, 1985, shall not exceed the final rate allowed the facility for the previous rate year by more than five percent.

Sec. 11. [GEOGRAPHIC GROUPINGS STUDY.]

By February 1, 1987, the director of the state planning agency, in consultation with the commissioner of human services, shall

report to the legislature on the appropriateness of current geographic groupings for reimbursement of nursing home operating costs. The report shall contain recommendations for legislative action which address the following: nursing home input prices and regional variation in costs; and alternative methods for recognizing regional variations in the cost of doing business including approaches used by other states with comparable nursing home reimbursement systems.

Sec. 12. [TASK FORCE ON LONG-TERM CARE HEALTH PLANNING.]

Subdivision 1. [DUTIES.] The long-term care commission shall conduct a study and report to the legislature by January 15, 1987. In making its study the commission shall solicit input from the Minnesota nursing home trade association, members from the long-term care commission groups, and a representative of the commission of health and human services. In the study and report, the commission shall:

(1) propose a statewide plan for orderly and rational development of additional long-term care facilities;

(2) examine the need to amend the moratorium law to permit replacement or reconfiguration of beds, provided no new beds are added to the system unless necessary;

(3) examine current classification of the intermediate care facilities class two (ICF II) as to the possibility of reclassification or upgrading; and

(4) address the need to modernize and renovate long-term care facilities built prior to 1970 to improve energy efficiency and the quality of life in those older facilities.

Subd. 2. [TASK FORCE EXPIRATION DATE.] The task force on long-term care health planning expires January 15, 1987.

Sec. 13. [REFUND REQUIRED.]

Any current or previous nursing home provider obligated pursuant to a written agreement or otherwise to refund to a private paying resident, the resident's legal representative, or the resident's successor in interest, excess charges made in violation of section 256B.48, subdivision 1, clause (a), since July 1, 1976, shall refund the excess charges plus interest to the private paying resident, the resident's legal representative, or the resident's successor in interest before July 1, 1986. Unless otherwise specified in a written agreement with the commissioner of human services, the amount of excess charges to be refunded shall

be equal to the difference between the prospective desk audit rate, before appeal resolutions, established by the commissioner and the actual amount charged to each private paying resident. The interest refunded shall be equal to the greater of the actual interest earned by the provider or six percent per annum. However, where a current or previous nursing home provider has notified a resident, the resident's legal representative, or the resident's successor in interest, that the resident is due a refund and the refund is unclaimed, or if the resident, the resident's legal representative, or the resident's successor in interest cannot be located, the provider is exempt from any cause of action for civil damages. A private paying resident, the resident's legal representative, or the resident's successor in interest, has a cause of action for civil damages against the current or previous nursing home provider for the provider's failure to refund the excess charges and interest owing in violation of this section. The damages shall be three times the excess charges and interest payment that results from the violation, together with costs and disbursements, including reasonable attorney's fees or their equivalent. For prospective desk audit rates established prior to July 1, 1988, which are under appeal as of March 1, 1986, the provider must refund the amount not in dispute with notice that an additional refund may be forthcoming upon resolution of an appeal. Any amounts still owing the resident, the resident's legal representative, or the resident's successor in interest, after the appeal is settled must be refunded within 30 days of the resolution of the appeal. Interest shall continue on the amount not immediately refunded.

Sec. 14. [EFFECTIVE DATE.]

Sections 1, 2, 4 to 8, and 10 to 13 are effective July 1, 1986. Sections 3 and 9 are effective the day following enactment."

Delete the title and insert:

"A bill for an act relating to human services; allowing for certain exceptions for swing beds and to the moratorium: limiting the preadmission screening requirement; allowing for adjustments in inpatient hospital rates for specialty hospitals; exempting certain nursing homes from financial statement audits; establishing requirements for medical assistance rate appeals procedures for intermediate care facilities; requiring a study; requiring refunds; establishing a task force; amending Minnesota Statutes 1985 Supplement, sections 144.562, subdivision 3; 144A.071, subdivision 3; 256.969, subdivision 2a; 256B.091, subdivisions 1, 2, 4, 5, and 8; 256B.48, subdivision 1b; and 256B.501, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

McKasy from the Committee on Judiciary to which was referred:

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

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1984, section 487.191, is amended to read:

487.191 [MERGER WITH DISTRICT COURTS.]

Except in the third, *fourth*, and seventh judicial districts, one year following certification to the secretary of state of intention to reorganize the trial courts by a majority of the district judges and a majority of the county or county municipal judges of a judicial district, there shall be one general trial court of the judicial district to be known as the district court, which shall also be a probate court. In the third, *fourth*, and seventh judicial districts, the judicial district reorganization shall become effective three months after certification to the secretary of state of intention to reorganize the trial courts by a majority of the district judges and a majority of the county judges of the third, *fourth*, and seventh judicial districts.

Upon the effective date of a judicial district reorganization, the district court, except in the second and fourth districts, shall also exercise the powers, duties, and jurisdiction conferred upon courts by chapters 260, 484, 487, 491, 492, 493, and 525.

Upon the effective date of a judicial district reorganization of the second or fourth districts, the district court shall also exercise the powers conferred upon courts by chapters 488A, 492, and 493.

Notwithstanding any other law, the county or county municipal judges of the district in office on the effective date of a reorganization shall be district judges and shall continue in office for the balance of the term for which they were elected or appointed and shall be entitled to run for reelection district-wide as incumbent judges of the district court. *If a reorganization plan from the fourth judicial district is certified to the secretary of state, to be effective before the next judicial election, all candidates for judgeships in the fourth judicial district shall file and run for the office of district judge as if a reorganization plan, filed pursuant to this section, were in effect."*

Renumber the remaining sections

Page 1, after line 18, insert "*Section 1 is effective the day after final enactment.*"

Page 1, line 19, after "*Section*" delete "1" and insert "2"

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 487.191; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

Subdivision 1. For the purposes of (SECTIONS 115A.01 TO 115A.72) *chapter 115A*, the terms defined in this section have the meanings given them, unless the context requires otherwise.

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

Subd. 7a. [CONTAINMENT.] "Containment" means isolating, controlling, and monitoring waste in a waste facility in order to prevent a release of waste from the facility that would have an adverse impact upon human health and the environment.

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

Subd. 13a. [INDUSTRIAL WASTE.] "Industrial waste" means solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

Sec. 4. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 32a. [STABILIZATION.] "Stabilization" means a chemical or thermal process in which materials or energy are added to waste in order to reduce the possibility of migration of any hazardous constituents of the resulting stabilized waste in preparation for placement of the waste in a containment facility.

Sec. 5. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 32b. [STABILIZATION AND CONTAINMENT FACILITY.] "Stabilization and containment facility" means a waste facility that is designed for stabilization and containment of waste, together with other appurtenant facilities needed to process waste for stabilization, containment, or transfer to another facility.

Sec. 6. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 37. [WASTE RENDERED NONHAZARDOUS.] "Waste rendered nonhazardous" means (1) waste excluded from regulation as a hazardous waste under the delisting requirements of United States Code, title 42, section 6921 and any federal and state delisting rules, and (2) other nonhazardous residual waste from the processing of hazardous waste.

Sec. 7. Minnesota Statutes 1984, section 115A.05, subdivision 2, is amended to read:

Subd. 2. [PERMANENT MEMBERS.] Eight of the permanent members of the board shall be appointed by the governor, with the advice and consent of the senate, to represent diverse areas and interests within the state. One member shall be appointed from each congressional district (IN ACCORDANCE WITH BOUNDARIES EXISTING ON JANUARY 1, 1980). The term of office and compensation of the eight members thus appointed, and the manner of removal and filling of vacancies, shall be as provided in section 15.0575, except that (THE INITIAL TERM OF ALL MEMBERS SHALL EXTEND UNTIL 90 DAYS AFTER THE BOARD MAKES THE DECISIONS REQUIRED BY SECTION 115A.28 AND) the terms

of members serving on the effective date of this section expire on that date. The rate of compensation shall be \$50 per day spent on board activities. The ninth permanent member of the board shall be the chairperson who shall be appointed by the governor with the advice and consent of the senate. Senate confirmation of the permanent members of the board shall be as provided by section 15.066. The chairperson shall serve at the pleasure of the governor for a term coterminous with that of the governor (, EXCEPT THAT THE INITIAL TERM OF THE CHAIRPERSON SHALL EXTEND UNTIL 90 DAYS AFTER THE BOARD MAKES THE DECISIONS REQUIRED BY SECTION 115A.28). The chairperson shall be the executive and operating officer of the board and shall determine the time and place of meetings, preside at meetings, appoint all board officers and hire and supervise all employees subject to the approval of the board, carry out the policy decisions of the board, and perform all other duties and functions assigned to him by the board or by law. No permanent member of the board shall hold other elected or appointed public office.

Sec. 8. Minnesota Statutes 1984, section 115A.06, is amended by adding a subdivision to read:

Subd. 14. [INDUSTRIAL AND RESIDUAL WASTE.] The board may plan for the management of waste rendered non-hazardous and industrial waste that should be managed separately from mixed municipal solid waste.

Sec. 9. Minnesota Statutes 1984, section 115A.13, is amended to read:

115A.13 [BOARD; EXPIRATION.]

The board (SHALL CEASE) *ceases to exist on June 30, (1987) 1992.*

Sec. 10. Minnesota Statutes 1984, section 115A.14, subdivision 6, is amended to read:

Subd. 6. [EXPIRATION.] The provisions of this section (SHALL) *expire on June 30, (1987) 1992.*

Sec. 11. [115A.175] [SITING AND FACILITY DEVELOPMENT AUTHORITY; LIMITATIONS.]

Subdivision 1. [SITING ACTIVITY.] The board shall terminate all activity under sections 115A.18 to 115A.30 relating to the selection and evaluation of sites for hazardous waste facilities, except as provided in this section.

Subd. 2. [DISMISSAL OF CANDIDATE SITES.] On the effective date of this section, the board shall dismiss from fur-

ther consideration all candidate sites remaining under section 115A.21, subdivision 1.

Subd. 3. [ALTERNATIVE SITING PROCEDURE.] The board shall proceed with site evaluation and selection in accordance with sections 12 to 15. In evaluating and selecting sites under sections 12 to 15, the board shall act in accordance with sections 115A.18 to 115A.20, except as otherwise provided in sections 12 to 15.

Subd. 4. [STABILIZATION AND CONTAINMENT FACILITY; RESTRICTIONS; CONTAINMENT STANDARDS TO PROTECT HUMAN HEALTH AND ENVIRONMENT.] No facility may be sited under the provisions of sections 115A.18 to 115A.30 except a stabilization and containment facility. The facility must be above grade unless the board determines, after environmental review under section 15, subdivision 2, that an alternative design would provide greater protection for human health and the environment. No waste may be accepted for containment at the facility except the following:

- (a) waste rendered nonhazardous;*
- (b) industrial waste; and*
- (c) waste that is not eligible for acceptance under clause (a) or (b), if the agency determines that all of the following requirements are met:*
 - (1) there is no feasible and prudent alternative to containment of the waste that would minimize adverse impact upon human health and the environment;*
 - (2) the waste has been treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituents of the waste; and*
 - (3) the waste meets the standards adopted to protect human health and the environment under the authority of 42 U.S.C. section 6924(m), and any additional protective standards adopted by the agency under section 116.07, subdivision 4.*

If no federal or state standards have been adopted for a waste as provided in clause (3), the waste may not be accepted for containment.

A person proposing a waste for containment at the facility has the burden of demonstrating that the waste may be accepted under the requirements of this subdivision. The demonstration under clause (c) must document in a form satisfactory to the agency the manner in which the person has attempted to meet the standard for acceptance of the waste under clause (a) and

the characteristics of the waste that prevent compliance with that standard.

Subd. 5. [AGENCY ADOPTION OF RULES.] The agency shall adopt rules under chapter 14 establishing procedures by which a person must demonstrate that a hazardous waste can be accepted by the facility as provided in subdivision 4. The agency shall adopt all rules necessary to implement the provisions of subdivision 4 and this subdivision before granting any permit for operation of the facility.

Sec. 12. [115A.191] [VOLUNTARY CONTRACTS WITH COUNTIES.]

Subdivision 1. [BOARD TO SEEK CONTRACTS.] The waste management board and any eligible county board may enter a contract as provided in this section expressing their voluntary and mutually satisfactory agreement concerning the location and development of a stabilization and containment facility. The chair shall negotiate contracts with eligible counties and shall present drafts of the negotiated contracts to the board for its approval. The chair shall actively solicit, encourage, and assist counties, together with developers, landowners, the local business community, and other interested parties, in developing resolutions of interest.

Subd. 2. [RESOLUTION OF INTEREST IN NEGOTIATING; ELIGIBILITY.] A county is eligible to negotiate a contract under this section if the county board files with the waste management board and the board accepts a resolution adopted by the county board that expresses the county board's interest in negotiations and its willingness to accept the preliminary evaluation of one or more study areas in the county for consideration as a location of a stabilization and containment facility. The county board resolution expressing interest in negotiations must provide for county cooperation with the board, as necessary to facilitate the evaluation of study areas in the county, and for the appointment of a member of the county board or an officer or employee of the county as official liaison with the board with respect to the matters provided in the resolution and future negotiations with the board. The county shall provide affected political subdivisions and other interested persons with an opportunity to suggest contract terms. A county board by resolution may withdraw a resolution of interest, and the waste management board may withdraw its acceptance of such a resolution, at any time before the parties execute a contract under this section. A county that is eligible to negotiate a contract shall receive the benefits as provided in section 22.

Subd. 3. [EVALUATION OF STUDY AREAS.] The chair, in cooperation with the county board, may engage in activities necessary for the evaluation of study areas in any county that

is eligible to negotiate a contract under this section. The determination of whether any study area may be considered or excluded from consideration under sections 115A.18 to 115A.20 and sections 12 to 15 is exclusively the authority of the board. Before entering a contract under this section, the board shall determine whether the study area identified in the contract is appropriate for preparation of an environmental impact statement.

Subd. 4. [REQUIREMENTS OF CONTRACT.] A contract between the board and a county must include provisions by which:

(a) the state, acting through the board, agrees to implement the terms of the contract and provide the benefits and implement the procedures and practices agreed upon pursuant to subdivision 5;

(b) the state, acting through the board, agrees to provide benefits to the county under section 22; and

(c) the county agrees that the study area or areas in the county that have been determined by the board to be appropriate for preparation of an environmental impact statement are subject to evaluation and selection by the board as provided in section 15.

After executing the contract, the study areas identified in the contract remain subject to the provisions of section 15 until the study areas are dismissed from further consideration by the board.

Subd. 5. [NEGOTIATED TERMS.] A contract executed under subdivision 4 may contain any terms agreed upon by the state and the county, including:

(a) procedures relating to the evaluation and selection of a site and the construction, operation, and maintenance of a proposed facility, including procedures for cooperation, consultation, and coordination between the board and the county or political subdivisions in the county on those matters;

(b) practices and procedures necessary to assure and demonstrate safe operation of a proposed facility;

(c) services, compensation, or benefits to be provided by the state to the county or political subdivisions in the county, including (i) payments in lieu of taxes on a publicly owned site; (ii) compensation for property owners adjoining or in close proximity to the facility through property tax relief or assurance of property value; (iii) compensation for local public expenditures necessitated by the facility; (iv) compensation for demonstrable pri-

vate and community impacts from the facility; (v) monetary compensation to the county and other parties affected by the facility, in addition to compensation for necessary expenditures and demonstrable impacts; (vi) provision of services or benefits to assure the health, safety, comfort, and economic development and well-being of the county and its citizens;

(d) provision for amendment of the contract; and

(e) provisions for resolutions of disputes under the contract.

Terms of the contract requiring enactment of additional state law, including an appropriation law, are contingent on that enactment. The contract may provide for implementation of its terms during evaluation of a study area in the county under section 15 and in the event that a study area in the county is selected as the site for a facility under that section.

Sec. 13. [115A.192] [SELECTION OF DEVELOPER OF STABILIZATION AND CONTAINMENT FACILITY; REQUEST FOR PROPOSALS.]

Subdivision 1. [REQUEST FOR PROPOSALS.] The chair shall issue requests for proposals for the development and operation of a stabilization and containment facility. The request must be designed to obtain detailed information about the qualifications of a respondent to develop and operate the facility; the capital and operating costs of the facility and the sources and methods by which the respondent plans to finance the facility; the technical specifications of the proposed facility and the technologies to be employed for processing, stabilization, containment, and monitoring; the requirements of the site for the proposed facility; the schedule for developing and commencing operation of the facility; and other matters which the chair deems necessary for the board to evaluate and select a developer and operator for the facility. Before issuing the requests, the chair shall prepare a draft of clauses (a) to (e) of the report required by section 14. The draft must accompany the requests for proposals.

Subd. 2. [SELECTION OF DEVELOPER; PROCEDURE.] After evaluating responses to the request for proposals and before selecting a site as provided in section 15, the board shall decide whether to select a developer for a stabilization and containment facility. If the board selects a developer it shall proceed as provided in section 15 to select a site for the development of a facility. If the board decides not to select a developer, the board shall proceed as provided in section 15 to select and acquire a site for potential future development of a facility.

Sec. 14. [115A.193] [REPORT ON FACILITY DEVELOPMENT.]

The chair shall prepare a report concerning the development of a stabilization and containment facility. The report must include:

(a) a conceptual plan that describes and evaluates the proposed design and operation of the facility, including an evaluation of technical feasibility, a description and evaluation of the types and quantities of hazardous waste and nonhazardous residual waste from hazardous waste processing that the facility would be designed to accept, and a description and evaluation of technologies needed or desired at the facility for processing, stabilization, and containment, including above grade containment;

(b) procedures and standards for the operation of the facility that require the use of reduction, recycling, and recovery of any hazardous waste before the waste is accepted for stabilization when the alternative or additional management method is feasible and prudent and would materially reduce adverse impact on human health and the environment;

(c) evaluation of the design and use of the facility for processing, stabilization, or containment of industrial waste, including technical and regulatory issues and alternative management methods;

(d) evaluation of feasible and prudent technologies that may substantially reduce the possibility of migration of any hazardous constituents of wastes that the facility would be designed to accept;

(e) a general analysis of the necessary and desirable physical, locational, and other characteristics of a site for the facility;

(f) an evaluation of the prospects of and conditions required for the regulatory delisting of residual waste from hazardous waste processing;

(g) an evaluation of the feasibility of an interstate, regional approach to the management of hazardous waste; and

(h) an economic feasibility analysis of the development and operation of the facility, including the anticipated use of the facility by Minnesota generators and sources of private and public financing that may be available or necessary for development or operation.

The chair shall submit a draft of the report to the board and the legislative commission on waste management before executing contracts under section 12.

Sec. 15. [115A.194] [EVALUATION AND SELECTION OF SITES; PERMITS.]

Subdivision 1. [BOARD; DETERMINATION OF SITING PROCEDURE.] The board shall proceed to take the actions provided in subdivisions 2 and 4 pursuant to any contracts executed under section 12.

Subd. 2. [BOARD; REQUIREMENTS BEFORE DECISIONS.] Before the board makes decisions under subdivision 4:

(a) the board shall complete environmental impact statements on the environmental effects of the decisions, in the manner provided in chapter 116D and the rules issued under that chapter; and

(b) the chair shall present to the board the report on facility development prepared as provided in section 14.

Subd. 3. [AGENCIES; REPORT ON PERMIT CONDITIONS AND APPLICATION REQUIREMENTS.] Within 30 days following the determination of the adequacy of the environmental impact statements and the presentation of the report on facility development, after consulting with the board, facility developers, and affected local government units, the chief executive officer of each permitting state agency shall issue to the board reports on permit conditions and permit application requirements at each location. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits, and the probable supplementary documentation that will be required for the environmental impact statement and permit applications under subdivision 5. If the board has selected a developer, the report of the agency must include a description of the rules necessary to implement the provisions of section 11, subdivision 4.

Subd. 4. [BOARD DECISIONS.] Within 90 days after the board has determined the adequacy of the environmental impact statement, the board shall: (1) specify the type, capacity, and function of the stabilization and containment facility, including operating and design standards for the facility; and (2) select one of the study areas evaluated under this section as the site for the facility, unless the board determines, based upon potential significant adverse effects on the environment, that none of the study areas should be selected as the site consistent with the reasonable requirements of the public health, safety, and welfare and the state's paramount concern for the protection of its air, water, land, and other natural resources from pollution, impairment, or destruction. The provisions of sections 115A.28, subdivisions 2 and 3 and 115A.30 apply to any board decision to select a study area as a site under this subdivision.

If the board selects a study area as a site under this subdivision, the board shall dismiss all other study areas from further

consideration. If the board does not select a study area as a site under this subdivision, the board shall dismiss all study areas from further consideration.

Subd. 5. [AGENCY; PERMITS; ENVIRONMENTAL REVIEW.] Before the agency issues permits for the facility, the agency shall complete an environmental impact statement specifically on the environmental effects of permitting decisions required to be made by permitting agencies. The statement must be completed in the manner provided in chapter 116D and the rules issued under that chapter.

Sec. 16. Minnesota Statutes 1985 Supplement, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1983 payable in 1984 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order initially issued prior to January 1, 1977 by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs to a governmental subdivision for their minimum required share of any program otherwise authorized by law for which matching funds have been appropriated by the state of Minnesota or the United States, excluding the administrative costs of public assistance programs, to the extent of the increase in levy over the amount levied for the local share of the program for the taxes payable year 1971. This clause shall apply only to those programs or projects for which matching funds

have been designated by the state of Minnesota or the United States on or before September 1, of the previous year and only when the receipt of these matching funds is contingent upon the initiation or implementation of the project or program during the year in which the taxes are payable or those programs or projects approved by the commissioner;

(d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. Except for the costs of general assistance as defined in section 256D.02, subdivision 4, general assistance medical care under section 256D.03 and the costs of hospital care pursuant to section 261.21, the aggregate amounts levied pursuant to this clause are subject to a maximum increase of 18 percent over the amount levied for these purposes in the previous year;

(e) pay the costs of principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(i) pay the amounts required to compensate for a decrease in manufactured homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 274.19, subdivision 8, as amended, is less than the distribution of the manufactured homes tax to the governmental subdivision pursuant to Minnesota Statutes 1969, section 273.13, subdivision 3, in calendar year 1971;

(j) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy

it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(k) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(l) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(m) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) the increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) the amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and non-

residential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and non-residential commercial development. In the levy year following the levy year in which the special levy made pursuant to this clause is discontinued, one-half of the amount of that special levy made in the preceding year shall be added to the permanent levy base of the governmental subdivision;

(n) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(o) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(p) the amounts allowed under section 174.27 to establish and administer a commuter van program;

(q) pay the costs of financial assistance to local governmental units and certain administrative, engineering, and legal expenses pursuant to Laws 1979, chapter 253, section 3;

(r) compensate for revenue lost as a result of abatements or court action pursuant to section 270.07, 270.17 or 278.01 due to a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(s) pay the total operating cost of a county jail as authorized in section 641.01. If the county government utilizes this special levy, then any amount levied by the county government in the previous year for operating its county jail and included in its previous year's levy limitation computed pursuant to section 275.51 shall be deducted from the current levy limitation;

(t) pay the costs of implementing section 18.023, including sanitation and reforestation; (AND)

(u) pay the estimated cost for the following calendar year of the county's share of funding the Minnesota cooperative soil survey; *and*

(v) pay the costs of meeting the planning requirements of section 115A.46; the requirements of section 115A.917; the planning requirements of the metropolitan plan adopted under section 473.149 and county master plans adopted under section 473.803; waste reduction and source separation programs and facilities; response actions that are financed in part by service charges under section 400.08 or section 21; closure and post-closure care of a solid waste facility closed by order of the pollution control agency or by expiration of an agency permit before January 1, 1989; and current operating and maintenance costs of a publicly-owned solid waste processing facility financed with general obligation bonds issued after a referendum before the effective date of this section.

Sec. 17. Minnesota Statutes 1984, section 400.08, is amended to read:

400.08 [SERVICE AREAS AND CHARGES.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "solid waste management services" includes collection, processing, and disposal of solid waste, closure and post-closure care of a solid waste facility, and response, as defined in section 115B.02, to releases from a solid waste facility or closed solid waste facility.

Subd. 2. [SERVICE AREAS.] In addition to the power that the county may exercise under other law, and in order to provide solid waste management services to those areas needing services, the county board by resolution may establish and determine the boundaries of solid waste management service areas in the county. Before the adoption of the resolution the county board shall hold a public hearing on the question. If a service area is established, the county board may impose service charges for solid waste management services for the area and may levy a tax on all the property in the area, or any combination of charges and taxes. The county board on its own motion may enlarge any existing service area following the procedures specified in this section. Upon the petition of a landowner, land may be added to the service area without a public hearing on the enlargement.

Subd. 3. [SERVICE CHARGES.] The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the

cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. *A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing thereon to be held prior to the meeting at which the ordinance is to be considered.*

Subd. 4. [COLLECTION.] The rates and charges may be billed and collected in a manner the board shall determine. On or before October 15 in each year, the county board (SHALL) may certify to the county auditor all unpaid outstanding charges (FOR SERVICES HEREUNDER), and a (STATEMENT OF THE) description of the lands (WHICH WERE SERVICED AND) against which the charges arose. It shall be the duty of the county auditor, upon order of the county board, to extend the assessments, with interest not to exceed (SIX PERCENT AS) the interest rate provided for in (THE COUNTY ORDINANCE) section 279.03, subdivision 1, upon the tax rolls of the county for the taxes of the year in which the assessment is filed. For each year ending October 15 the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The charges, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the state. (ALL RATES AND CHARGES SHALL BE UNIFORM IN THEIR APPLICATION TO USE AND SERVICE OF THE SAME CHARACTER AND QUANTITY. A NOTICE OF INTENTION TO ENACT SUCH AN ORDINANCE, PUBLISHED PURSUANT TO SECTION 375.51, SUBDIVISION 2, SHALL PROVIDE FOR A PUBLIC HEARING THEREON TO BE HELD PRIOR TO THE MEETING AT WHICH THE ORDINANCE IS TO BE CONSIDERED.)

Sec. 18. [400.101] [BONDS.]

The county, by resolution, may authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities, related transmission facilities, or property or property rights for the facilities, for improvements of a capital nature to respond, as defined in section 115B.02, to releases from closed solid waste facilities, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit, and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Except as otherwise provided in this section, the bonds must be issued and sold in accordance with the provisions of chapter 475. The proceeds of the bonds may be used in part to establish a

reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued under this section may be sold at public or private sale upon conditions that the county board determines, but any bonds to which the full faith and credit and taxing powers of the county are pledged must be sold in accordance with the provisions of chapter 475. No election is required to authorize the issuance of bonds under this section.

Sec. 19. Minnesota Statutes 1984, section 400.11, is amended to read:

400.11 [TAX LEVIES; ADVANCE FUNDING.]

The county may levy taxes for solid waste management purposes upon all taxable property within the county (, WHICH SHALL NOT AFFECT THE AMOUNT OR RATE OF TAXES WHICH MAY BE LEVIED FOR OTHER COUNTY PURPOSES). The county may levy a tax in anticipation of need for solid waste management purposes as specified in the resolution levying the tax, appropriating the proceeds of the tax to a special fund to be used only for those purposes and, until used, to be invested in securities authorized in section 475.66.

Sec. 20. Minnesota Statutes 1984, section 473.811, subdivision 2, is amended to read:

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities, related transmission facilities, or property or property rights for the facilities, *for improvements of a capital nature to respond, as defined in section 115B.02, to releases from closed solid waste facilities*, or for refunding any outstanding bonds issued for any such purpose (, AND). *The county may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. The proceeds of the bonds may be used in part to establish a reserve as further security for the payment of the principal and interest of the bonds when due. Revenue bonds issued pursuant to this section may be sold at public or private sale upon such conditions as the county board shall determine, but any bonds to which the full faith and credit and taxing powers of the county are pledged shall be sold in accordance with the provisions of chapter 475. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.*

Sec. 21. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

Subd. 3a. [SERVICE AREAS.] Metropolitan counties have the authority provided in section 400.08.

Sec. 22. Minnesota Statutes 1985 Supplement, section 477A.012, is amended to read:

477A.012 [COUNTY GOVERNMENT DISTRIBUTIONS.]

Subdivision 1. [AID AMOUNT.] In calendar year 1986, each county government shall receive a distribution equal to 60 percent of the aid amount certified for 1983 pursuant to sections 477A.011 to 477A.03.

Subd. 2. [ADDITIONAL AID FOR CERTAIN COUNTIES.]

(a) Each county that becomes eligible to negotiate a contract with the waste management board pursuant to section 12 shall be entitled to receive \$8,000 per month in additional local government aids, for each full calendar month that it is eligible. If the state's liability under this clause exceeds \$80,000 in any month, the commissioner shall proportionately reduce the entitlements of each eligible county.

(b) Any county government that has executed a contract with the board pursuant to section 12 shall receive an amount as provided under a schedule set forth in the contract not to exceed \$200,000 per year in additional local government aids, for a period of not more than two years following the execution of the contract. The sum of the state's obligations under this clause may not exceed \$800,000 in any fiscal year.

(c) Aid distributions under this subdivision are in addition to any distributions to which a county is entitled pursuant to subdivision 1, and must not be deducted in the computation of levy limits. When an aid payment is made pursuant to section 477A.015, the commissioner shall distribute to each eligible county the full entitlement due under paragraph (a) for the county's period of eligibility that was not paid in a previous distribution. When an aid payment is made pursuant to section 477A.015, the commissioner shall distribute to each county that has executed a contract the full amount due under paragraph (b) in accordance with the terms of the contract. In no case may any additional aid amounts due under this subdivision be paid prior to July 1, 1987.

Sec. 23. [REPEALER.]

Minnesota Statutes 1984, sections 115A.17; 400.05; 400.10; and Minnesota Statutes 1985 Supplement, section 473.811, subdivision 11, are repealed.

Sec. 24. [INSTRUCTION TO REVISOR.]

The revisor of statutes is directed to change the word "disposal," wherever it appears in sections 115A.18 to 115A.301, except in section 115A.24, subdivision 1, clauses (2) and (3), and section 115A.301, subdivision 1, paragraph (b), clauses (1) and (2), to "stabilization and containment," in Minnesota Statutes 1986 and subsequent editions of the statutes.

Sec. 25. [EFFECTIVE DATE.]

Sections 1 to 24 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to environment; providing for the selection of locations for and developers of hazardous waste stabilization and containment facilities; amending Minnesota Statutes 1984, sections 115A.03, subdivision 1, and by adding subdivisions; 115A.05, subdivision 2; 115A.06, by adding a subdivision; 115A.13; 115A.14, subdivision 6; 400.08; 400.11; 473.811, subdivision 2, and by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 275.50, subdivision 5; 477A.012; proposing coding for new law in Minnesota Statutes, chapters 115A and 400; repealing Minnesota Statutes 1984, sections 115A.17; 400.05; and 400.10; Minnesota Statutes 1985 Supplement, section 473.811, subdivision 11."

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

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

Reported the same back with the following amendments:

Page 4, after line 4, insert:

"Sec. 3. Minnesota Statutes 1984, section 278.05, subdivision 1, is amended to read:

278.05 [TRIAL OF ISSUES.]

Subdivision 1. The petition, without any answer, return, or other pleading thereto, shall be tried at the next term of court. The *tax court or district court* shall without delay summarily hear and determine the claims, objections or defenses made by the petition and shall direct judgment (ACCORDINGLY) *to sustain, reduce or increase the amount of taxes due*, and the trial shall disregard technicalities and matters of form not affecting the merits.

Sec. 4. Minnesota Statutes 1984, section 278.05, subdivision 4, is amended to read:

Subd. 4. [SALES RATIO STUDIES AS EVIDENCE.] The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records accumulated to prepare the studies which is prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids shall be admissible in evidence as a public record without the laying of a foundation if the sales prices used in the study are adjusted for the terms of the sale to reflect market value and are adjusted to reflect the difference in the date of sale compared to the assessment date. Additional evidence relevant to the sales ratio study is also admissible. No sales ratio study received into evidence shall be conclusive or binding on the court and evidence of its reliability or unreliability may be introduced by any party including, but not limited to, evidence of inadequate adjustment of sale prices for terms of financing, inadequate adjustment of sales prices to reflect the difference in the date of sale compared to the assessment date, and inadequate sample size.

No reduction in value on the grounds of discrimination shall be granted on the basis of a sales ratio study published by the department of revenue unless

(a) the sales prices are adjusted for the terms of the sale to reflect market value,

(b) the sales prices are adjusted to reflect the difference in the date of sale compared to the assessment date, and

(c) there is an adequate sample size (, AND)

((D) THE MEDIAN RATIO OF THE CLASS OF PROPERTY OF THE SUBJECT PROPERTY IN THE SAME COUNTY, CITY, OR TOWN OF THE SUBJECT PROPERTY IS LOWER THAN THE ASSESSMENT RATIO OF THE SUBJECT PROPERTY BY AT LEAST TEN PERCENT.)

(IF THE ABOVE CRITERIA ARE MET AND A REDUCTION IN VALUE ON THE GROUNDS OF DISCRIMINATION IS GRANTED BASED UPON THE SALES RATIO STUDY, THE REDUCTION SHALL REFLECT ONLY THE DIFFER-

ENCE BETWEEN THE ASSESSMENT/SALES RATIO OF THE SUBJECT PROPERTY AND 110 PERCENT OF THE MEDIAN RATIO OF THE CLASS OF PROPERTY OF THE SUBJECT PROPERTY).

Sec. 5. Minnesota Statutes 1984, section 278.07, is amended to read:

278.07 [JUDGMENT; AMOUNT; COSTS.]

Judgment shall be for the amount of the taxes for the year as the court shall determine the same, less the amount paid thereon, if any. If the tax is sustained in the full amount levied *or increased*, costs and disbursements (SHALL) *may, in the discretion of the court*, be taxed and allowed as in delinquent tax proceedings and shall be included in the judgment. If the tax so determined shall be less than the amount thereof as levied, the court may, in its discretion, award disbursements to the petitioner, which shall be taxed and allowed and be deducted from the amount of the taxes as determined. If there be no judgment for taxes, a judgment may be entered determining the right of the parties and for the costs and disbursements as taxed and allowed.

Sec. 6. Minnesota Statutes 1984, section 278.08, subdivision 1, is amended to read:

Subdivision 1. [TAXES DUE.] Whether or not the tax is sustained in full as levied *or increased* and section 278.03 notwithstanding, the judgment shall include any interest which has accrued on the taxes for failure to pay the taxes or any part of the taxes as provided in sections 279.01 and 279.03. If the tax is reduced, no penalty shall be included in the judgment because of the failure to pay the reduced tax prior to entry of judgment. After the judgment is entered, it shall be subject to interest and penalty at the rates provided in chapter 279 for delinquent payment of property taxes."

Renumber the remaining section

Page 4, line 6, delete "2" and insert "6"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for the admissibility of sales ratio studies as evidence;"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1984, sections 278.05, subdivisions 1 and 4; 278.07; and 278.08, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

McKasy from the Committee on Judiciary to which was referred:

H. F. No. 2239, A bill for an act relating to county courts; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1984, section 487.25, subdivision 10.

Reported the same back with the following amendments:

Page 1, line 24, after "*regulation*" insert "*or by the county attorney with whom it has contracted to prosecute these matters*"

Page 2, line 17, after "*regulation*" insert "*or by the county attorney with whom it has contracted to prosecute these matters*"

With the recommendation that when so amended the bill pass.

The report was adopted.

McKasy from the Committee on Judiciary to which was referred:

H. F. No. 2275, A bill for an act relating to commerce; revising the Uniform Trade Secret Act; clarifying remedies; amending Minnesota Statutes 1984, sections 325C.02; 325C.03; and 325C.07; Minnesota Statutes 1985 Supplement, section 325C.01, subdivision 5.

Reported the same back with the following amendments:

Page 1, delete section 1

Renumber the remaining sections

Amend the title as follows:

Page 1, line 4, after "325C.07" delete the semicolon and insert a period

Page 1, delete lines 5 and 6

With the recommendation that when so amended the bill pass.

The report was adopted.

Schreiber from the Committee on Taxes to which was referred:

H. F. No. 2331, A bill for an act relating to taxation; providing for the taxation of lawful gambling; making unlicensed

wholesaling of gambling equipment a felony; exempting certain lawful gambling from licensing and taxation; providing a penalty; amending Minnesota Statutes 1984, sections 349.12, by adding a subdivision; 349.212, by adding a subdivision; 349.214, subdivision 2, and by adding a subdivision; 349.22; 349.31, subdivision 1; and 609.761; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 240.25, subdivision 2, is amended to read:

Subd. 2. [OFF-TRACK BETS.] No person (MAY, AS PART OF AN ORGANIZED COMMERCIAL ACTIVITY, PLACE OR ACCEPT A BET OFF THE PREMISES OF A LICENSED RACETRACK FOR DELIVERY TO A LICENSED RACETRACK) shall:

(1) *for a fee, directly or indirectly, accept anything of value from another to be transmitted or delivered for wager in any licensed pari-mutuel system of wagering on horse races, or for a fee deliver anything of value which has been received outside of the enclosure of a licensed racetrack holding a race meet licensed under this chapter, to be placed as wagers in the pari-mutuel system of wagering on horse racing within the enclosure; or*

(2) *give anything of value to be transmitted or delivered for wager in any licensed pari-mutuel system of wagering on horse races to another who charges a fee, directly or indirectly, for the transmission or delivery.*

Sec. 2. Minnesota Statutes 1984, section 240.26, subdivision 1, is amended to read:

Subdivision 1. [FELONIES.] A violation of the prohibition against accepting a bet in section 240.25, (SUBDIVISIONS) subdivision 1 (AND 2), a violation of section 240.25, subdivision 2, clause (1), and a violation of section 240.25, subdivisions 3, 4, and 7 is a felony.

Sec. 3. Minnesota Statutes 1984, section 240.26, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANORS.] A violation of the prohibition against placing a bet in section 240.25, (SUBDIVISIONS) subdivision 1 (AND 2), a violation of section 240.25,

subdivision 2, clause (2), and a violation of section 240.25, subdivisions 5 and 6, is a gross misdemeanor.

Sec. 4. Minnesota Statutes 1984, section 349.12, is amended by adding a subdivision to read:

Subd. 18. [DEAL.] "Deal" means each separate package, or series of packages, consisting of one game of pull-tabs with the same serial number purchased from a distributor.

Sec. 5. Minnesota Statutes 1984, section 349.161, is amended by adding a subdivision to read:

Subd. 8. [EMPLOYEES.] The board by rule shall provide for the issuance of picture identification cards to all employees of a distributor and by rule shall require that such employees carry the cards at all times while performing their duties.

Sec. 6. Minnesota Statutes 1984, section 349.161, is amended by adding a subdivision to read:

Subd. 9. [CREDIT.] A distributor may not sell pull-tabs, tipboards, or paddletickets to an organization on credit. The board shall by rule provide for the enforcement of this subdivision.

Sec. 7. [349.163] [REGISTRATION OF MANUFACTURERS.]

Subdivision 1. [REGISTRATION.] No manufacturer of gambling equipment may sell any gambling equipment to any person unless the manufacturer has registered with the board and has been issued a certificate of registration.

Subd. 2. [CERTIFICATE; FEE.] A certificate under this section is valid for one year. The annual fee for registration is \$100.

Subd. 3. [PROHIBITED SALES.] A manufacturer may not sell gambling equipment to any person not licensed as a distributor unless the manufacturer is also a licensed distributor.

Subd. 4. [REVOCATION OR SUSPENSION.] The board may suspend a registration for a violation of law or of board rule and may revoke a registration for what the board determines to be a pattern of willful violation of law or board rule. A revocation or suspension is a contested case under sections 14.57 to 14.69 of the administrative procedure act.

Sec. 8. Minnesota Statutes 1984, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the board and to its membership monthly, *or quarterly in the case of a licensed organization which does not report more than \$1,000 in gross receipts from lawful gambling in any calendar quarter*, on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. In addition, a licensed organization must report to the board monthly on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. The reports must be on a form the board prescribes.

Sec. 9. Minnesota Statutes 1984, section 349.211, is amended by adding a subdivision to read:

Subd. 2a. [PULL-TAB PRIZES.] The maximum prize which may be awarded for any single pull-tab is \$250. An organization may not sell any pull-tab for more than \$2.

Sec. 10. Minnesota Statutes 1985 Supplement, section 349.-212, subdivision 1, is amended to read:

Subdivision 1. [RATE.] There is hereby imposed a tax on all lawful gambling, *other than pull-tabs*, conducted by organizations licensed by the board at the rate specified in this subdivision. The tax imposed by this (SECTION) *subdivision* is in lieu of the tax imposed by section 297A.02 and of all local taxes and license fees *except a fee authorized under section 349.213, subdivision 3.*

On all lawful gambling, *other than pull-tabs*, the tax is ten percent of the gross receipts of a licensed organization from lawful gambling less prizes actually paid out, payable by the organization.

Sec. 11. Minnesota Statutes 1984, section 349.212, is amended by adding a subdivision to read:

Subd. 4. [PULL-TAB TAX.] There is imposed a tax on the sale of each deal of pull-tabs sold by a licensed distributor to a licensed organization, or to an organization holding an exemption identification number. The rate of the tax is nine percent of the face resale value of all the pull-tabs in each deal less the total prizes which may be paid out on all the pull-tabs in that deal. The tax is payable to the commissioner of revenue in the manner prescribed in section 4 and the rules of the commissioner. The commissioner shall pay the proceeds of the tax to the state treasurer for deposit in the general fund. The sales tax imposed by chapter 297A on the sale of the pull-tabs by the licensed distributor to an organization is imposed on the retail sales price less the tax imposed by this subdivision. The retail sale of pull-tabs by the organization is exempt from taxes im-

posed by chapter 297A if the tax imposed by this subdivision has been paid and is exempt from all local taxes and license fees except a fee authorized under section 349.213, subdivision 3.

Sec. 12. [349.2121] [PULL-TAB TAX; COLLECTION.]

Subdivision 1. [APPLICATION AND ISSUANCE.] Every distributor licensed by the board who sells pull-tabs to organizations authorized to sell pull-tabs under this chapter must file with the commissioner of revenue an application, on a form the commissioner prescribes, for a gambling tax identification number and gambling tax permit. The commissioner, when satisfied that the applicant has a valid license from the board and has filed any financial security required under subdivision 2, shall issue the applicant a permit and number. A permit is not assignable and is valid only for the distributor in whose name it is issued.

Subd. 2. [SECURITY.] The commissioner may, when deemed necessary to ensure compliance with this chapter, require a distributor to deposit security in an amount the commissioner determines necessary, not to exceed twice the estimated average liability for the next period for which tax returns are required to be filed under this chapter, or \$25,000, whichever is less. The commissioner may increase or decrease the required security within the limits of this subdivision. The commissioner may sell property deposited as security at public auction if necessary in order to recover any tax or any amount required to be collected, including interest and penalties, if any. Notice of the sale must be served upon the distributor that deposited the security by mail. After any sale, any surplus above the amount due not required as security under this section must be returned to the distributor that deposited the security. For security, the commissioner may require a distributor to file a bond, issued by a surety company authorized to transact business in this state and approved by the commissioner of commerce as to solvency and responsibility.

Subd. 3. [RECORDS.] The commissioner may by rule require a licensed distributor holding a permit under this section to keep such books, papers, documents, and records as the commissioner deems necessary to the enforcement of this chapter. The commissioner may examine, or cause to be examined, any books, papers, records, or other documents relevant to making a determination, whether they are in the possession of a distributor or another person or corporation. The commissioner may require the attendance of any persons having knowledge or information in the premises, to compel the production of books, papers, records, or memoranda by persons so required to attend, to take testimony on matters material to a determination, and to administer oaths or affirmations.

Subd. 4. [SUSPENSION, REVOCATION.] The commissioner, after notice and hearing, may for reasonable cause revoke

or suspend a permit held by a distributor. A notice must be sent to the distributor at least 30 days before the hearing and give notice of the time and place of the hearing, must give the reason for the proposed suspension or revocation, and must require the distributor show cause why the proposed action should not be taken. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency. The commissioner may not issue a new permit after revocation except upon application accompanied by reasonable evidence of the intention of the applicant to comply with all applicable laws and rules. The commissioner may condition the issuance of a new permit to the applicant on the supplying of security in addition to that authorized by subdivision 2 as is reasonably necessary to ensure compliance with all applicable laws and rules.

Subd. 5. [VIOLATIONS.] (a) A distributor who sells pull-tabs to an organization without a permit from the commissioner of revenue is guilty of a gross misdemeanor.

(b) A distributor who sells pull-tabs after revocation of a permit or during a period of suspension of a permit, when the commissioner has not issued a new permit or terminated the suspension, is guilty of a felony.

(c) A distributor subject to the tax imposed in section 349.-212, subdivision 4, who willfully:

- (1) fails to make a return,
- (2) fails to pay over the required tax, or
- (3) attempts in any manner to evade or defeat the required tax

is guilty of a gross misdemeanor if the amount of the tax is \$300 or less and of a felony if the amount of the tax exceeds \$300.

(d) A person who willfully aids, procures, counsels, or advises the preparation or presentation in connection with any matter arising under this section of a return, affidavit, claim, or other document, which is fraudulent or false as to any material matter, where the falsity or fraud is with or without the knowledge or consent of the person authorized or required to present the return, affidavit, claim, or document, is guilty of a gross misdemeanor if the amount of the tax is \$300 or less and of a felony if the amount of the tax exceeds \$300.

(e) Notwithstanding section 628.26 or any other law, an indictment for an offense under clauses (c) and (d) may be found and filed in the proper court within six years of the commission of the offense.

Subd. 6. [COLLECTION.] The tax imposed by section 349.212, subdivision 4, for each taxable sale is due and payable to the commissioner monthly on or before the 25th day of the month succeeding the month in which the taxable sale was made.

Subd. 7. [INFORMATION CONFIDENTIAL.] Neither the commissioner nor any other public official or employee may divulge or otherwise make known in any manner any particulars disclosed in any report or return required by this section, or any information concerning the affairs of the distributor making the return acquired from its records, officers, or employees while examining or auditing under the authority of this chapter, except in connection with a proceeding involving taxes due under this chapter. Nothing herein prohibits the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and their contents. Any person violating the provisions of this section is guilty of a gross misdemeanor.

Notwithstanding the provisions of this section, the commissioner may furnish information on a reciprocal basis to the taxing officials of another state or the board in order to implement the purposes of this chapter.

In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed must be administered by the vendor consistent with this section.

Subd. 8. [COLLECTIONS; CIVIL PENALTIES.] The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax imposed by that chapter apply to the tax, penalties and interest imposed by section 349.212, subdivision 4. The commissioner shall impose civil penalties for violation of this section as provided in chapter 297A, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.

Subd. 9. [RULES.] The commissioner shall adopt rules, including emergency rules, for the administration and enforcement of this section and section 349.212, subdivision 4.

Sec. 13. Minnesota Statutes 1984, section 349.213, subdivision 2, is amended to read:

Subd. 2. [LOCAL APPROVAL.] Before issuing or renewing an organization license, the board must notify the city council of the statutory or home rule city in which the organization's premises are located or, if the premises are located outside a city, by the county board of the county where the premises are located. If the premises are located within a town, the board must also notify the town board. If the city council or county board adopts

a resolution disapproving the license and so informs the board within 30 days of receiving notice of the license, the license may not be issued or renewed.

Sec. 14. Minnesota Statutes 1984, section 349.213, is amended by adding a subdivision to read:

Subd. 3. [LOCAL INVESTIGATION FEE.] The county or statutory or home rule city notified under subdivision 2 may assess an investigation fee not to exceed \$500 to an organization applying for a license or renewing a license to conduct lawful gambling.

Sec. 15. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [(RAFFLES) LAWFUL GAMBLING.] (a) Raffles may be conducted by an organization as defined in section 349.12, subdivision (13) 12, without complying with sections 349.11 to 349.14 and 349.151 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed \$750.

(b) Lawful gambling may be conducted by an organization as defined in section 349.12, subdivision 12, without complying with sections 349.11 to 349.14 and 349.151 to 349.213 if:

(1) the organization conducts lawful gambling on four or fewer days in a calendar year;

(2) the organization does not award more than \$50,000 in prizes for lawful gambling in a calendar year;

(3) the organization notifies the board in writing not less than 30 days before each lawful gambling occasion of the date and location of the occasion, the types of lawful gambling to be conducted, the prizes to be awarded, and receives an exemption identification number;

(4) the organization notifies the local government unit 30 days before the lawful gambling occasion;

(5) the organization purchases all gambling equipment and supplies from a licensed distributor; and

(6) the organization reports to the board, on a single page form prescribed by the board, within 30 days of each gambling occasion, the gross receipts, prizes, expenses, expenditures of net profits from the occasion, and the identification of the licensed distributor from whom all gambling equipment was purchased.

(c) *If the organization fails to file a timely report as required by clause (3) or (6), a \$250 penalty is imposed on the organization. Failure to file a timely report does not disqualify the organization as exempt under this paragraph if a report is subsequently filed and the penalty paid.*

(d) Merchandise prizes must be valued at their fair market value.

Sec. 16. Minnesota Statutes 1984, section 349.214, is amended by adding a subdivision to read:

Subd. 4. [TAXATION.] An organization's receipts from lawful gambling that is exempt from licensing under this section is not subject to the tax imposed by section 297A.02 or 349.212.

Sec. 17. Minnesota Statutes 1984, section 349.22, is amended to read:

349.22 [PENALTY.]

Subdivision 1. [FELONY.] A sale of gambling equipment to an organization by any person not licensed as a distributor under section 349.161 is a felony.

Subd. 2. [GROSS MISDEMEANOR.] Any other violation of sections 349.11 to 349.214 is a gross misdemeanor.

Subd. (2) 3. [OTHER ACTION.] This section does not preclude civil or criminal actions under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of sections 349.11 to 349.214. County attorneys have primary responsibility for prosecuting violations of sections 349.11 to 349.214, but the attorney general may prosecute any violation of those sections.

Sec. 18. Minnesota Statutes 1984, section 349.31, subdivision 1, is amended to read:

Subdivision 1. [INTENTIONAL POSSESSION; WILLFUL KEEPING.] The intentional possession or willful keeping of a gambling device on a licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, provided that possession of gambling equipment as defined in section 349.12, subdivision 17, which is used for lawful gambling (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD) authorized by this chapter, and the manufacture of gambling devices for use in jurisdictions where use of the gambling device is legal as provided for by section 349.40 shall not be cause for revocation of a license.

Sec. 19. Minnesota Statutes 1984, section 609.761, is amended to read:

609.761 [OPERATIONS PERMITTED.]

Notwithstanding sections 609.755 and 609.76, an organization may conduct lawful gambling as defined in section 349.12, if (LICENSED BY THE CHARITABLE GAMBLING CONTROL BOARD AND CONDUCTED UNDER SECTIONS 349.11 TO 349.22) *authorized under chapter 349*, and a person may manufacture, sell, or offer for sale a gambling device to (THE) *an organization authorized under chapter 349 to conduct lawful gambling*, and pari-mutuel betting on horse racing may be conducted under chapter 240."

Delete the title and insert:

"A bill for an act relating to taxation; providing for the taxation of lawful gambling; providing for identification cards for employees of distributors of gambling equipment; providing for the registration of manufacturers of gambling equipment; providing for maximum prizes for pull-tabs; allowing local investigation fees; making unlicensed wholesaling of gambling equipment a felony; regulating off-track betting; exempting certain lawful gambling from licensing and taxation; providing for notification to town boards of license applications; providing a penalty; amending Minnesota Statutes 1984, sections 240.25, subdivision 2; 240.26, subdivisions 1 and 2; 349.12, by adding a subdivision; 349.161, by adding subdivisions; 349.19, subdivision 5; 349.211, by adding a subdivision; 349.212, by adding a subdivision; 349.213, subdivision 2, and by adding a subdivision; 349.214, subdivision 2, and by adding a subdivision; 349.22; 349.31, subdivision 1; and 609.761; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349."

With the recommendation that when so amended the bill pass.

The report was adopted.

McKasy from the Committee on Judiciary to which was referred:

H. F. No. 2388, A bill for an act relating to nonprofit corporations; providing for succession of fiduciary capacity in mergers and consolidations; clarifying authority for separate entities to hold church employee benefit plans; amending Minnesota Statutes 1984, sections 317.38; and 317.66, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 9, after "provide" insert "*directly or through a church benefits board*"

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

The report was adopted.

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

H. F. No. 2476, A bill for an act relating to public safety; motor vehicles; eliminating redundant and surplus language; correcting inconsistent provisions in statutes; requiring certain information on petition for judicial review of license revocation determination; changing fee for motorized bicycle permit renewal for persons 18 years of age; permitting donor designation on minor donor's driver's license or identification card; abolishing automatic reinstatement of revoked or suspended driving privilege of nonresident in certain circumstances; extending effective period for provisional drivers' licenses by one year; amending Minnesota Statutes 1984, sections 168.28; 169.123, subdivision 5c; 171.02, subdivision 3; and 171.07, subdivision 5; and Minnesota Statutes 1985 Supplement, sections 168.013, subdivisions 1c and 1e; and 171.27; repealing Minnesota Statutes 1984, section 171.15, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1985 Supplement, section 168.012, subdivision 1c, is amended to read:

Subd. 1c. (a) The annual *administrative* fee for (TRAILER LICENSE PLATES ISSUED TO) a tax-exempt vehicle under this section is \$5 (FOR EACH PLATE).

(b) (THE ANNUAL FEE FOR LICENSE PLATES ISSUED TO ALL OTHER TAX-EXEMPT VEHICLES IS A \$5 ADMINISTRATIVE HANDLING FEE AND \$10 FOR TWO PLATES PER VEHICLE.) *The license plate fee for a tax-exempt vehicle, except a trailer, is \$10 for two plates per vehicle, payable only on the first tax-exempt registration of the vehicle.*

An owner of a tax-exempt vehicle who before the effective date of this act paid more than \$20 in payment of total administrative handling fee, plate fee, and filing fee under section 169.33 for that vehicle for the two-year period beginning March 1, 1986, may apply all or part of the amount paid in excess of \$20 against the owner's future administrative handling fees for

tax-exempt vehicles until the entire excess amount has been so applied. The registrar shall send to each such owner a credit memo or other such notice in the amount of the excess payment, with a notice that the credit may be applied against future administrative fees.

(c) (ON OR AFTER MARCH 1, 1986,) The registration period for a tax-exempt vehicle is biennial (AND NEW PLATES WILL BE ISSUED FOR THE LIFE OF THE VEHICLE). (FEES ARE) *The administrative fee is due on March 1 biennially and payable the preceding January 1, with validating stickers issued at time of payment. (IF THE TAX-EXEMPT VEHICLE IS NEWLY REGISTERED FOR LESS THAN THE TWO-YEAR PERIOD, THE FEE MUST BE APPORTIONED BY SIX MONTH INCREMENTS, BUT IN NO EVENT MAY THE FEE BE LESS THAN \$5 PER VEHICLE.)*

Sec. 2. Minnesota Statutes 1984, section 168.012, is amended by adding a subdivision to read:

Subd. 11. The owner of a tax-exempt vehicle must pay the administrative and plate fees, and filing fee under section 168.33, subdivision 7, only to a deputy registrar in the county in which the vehicle is domiciled."

Page 7, delete section 5 and insert:

"Sec. 7. Minnesota Statutes 1984, section 171.02, subdivision 3, is amended to read:

Subd. 3. [MOTORIZED BICYCLES.] No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid drivers license, unless the person has obtained a motorized bicycle operator's permit *or motorized bicycle instruction permit* from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. *The instruction permit may be issued to any person who has attained the age of 15 years and who has passed the written portion of the examination prescribed by the commissioner.* The commissioner may promulgate rules and regulations prescribing the content of the examination and the information to be contained on the (PERMIT) *permits.*

The fees for motorized bicycle operator's (PERMIT) *permits* are as follows:

- (a) Examination and operator's permit,
valid for one year\$ 4
- (b) Duplicate\$ 2

(c) Renewal permit before age (18) 19
and valid until age (18) 19 \$ 6

(d) Renewal permit after age 18 and
valid for four years \$10

(e) Duplicate of any renewal permit \$ 3

(f) Written examination and instruction
permit, valid for 30 days \$4

Sec. 8. Minnesota Statutes 1984, section 171.05, is amended
by adding a subdivision to read:

Subd. 3. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 1, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner."

Page 9, after line 20, insert:

"Sec. 12. [EFFECTIVE DATE.]

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon insert "providing for fees for tax-exempt license plates;"

Page 1, line 6, after the semicolon insert "providing for motorized bicycle instruction permits and setting a fee;"

Page 1, line 14, after "sections" insert "168.012, by adding a subdivision;"

Page 1, line 15, after the first semicolon insert "171.05, by adding a subdivision;"

Page 1, line 16, after "sections" insert "168.012, subdivision 1c;"

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

The report was adopted.

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

S. F. No. 1910, A bill for an act relating to transportation; adding new route to trunk highway system in substitution of existing route; allowing old highway to be turned back to city of Willmar; directing revisor of statutes to make route substitution; amending Laws 1974, chapter 151, section 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [160.81] [HIGHWAYS IN RECREATION AREAS.]

Subdivision 1. [JOINT STANDARDS.] The commissioner of transportation, in consultation with the commissioner of natural resources, shall establish standards for trunk highway segments located in areas of unusual scenic interest. The rules shall:

(1) define "areas of unusual scenic interest," which must include major recreational areas, historic areas and major publicly and privately owned tourist attractions;

(2) prescribe standards for right-of-way, shoulders and parking areas for trunk highway segments in such areas; and

(3) prescribe standards for scenic overlooks, parking piers and other parking areas, tourist information facilities, public water access points and other facilities intended to expand the recreational use of trunk highway segments in such areas.

Subd. 2. [PLAN.] The commissioner of transportation, in consultation with the commissioner of natural resources, shall prepare a plan for the recreational uses of trunk highway right-of-way and adjacent public land in areas of unusual scenic interest. The plan must provide for the enhancement of such recreational uses by the construction of new recreational facilities or the improvement or rehabilitation of existing recreational facilities, as enumerated in subdivision 1, clause (3). The plan must provide for joint development of these facilities by the departments of transportation and natural resources, where feasible, and must contain provisions per-

mitting local units of government and regional development commissions to participate in the planning and development of recreational facilities.

Subd. 3. [RECREATIONAL FACILITIES.] The commissioner of transportation may, in areas of unusual scenic interest:

(1) construct, improve, and maintain recreational facilities, including parking areas, scenic overlooks, and tourist information facilities, on truck highway right-of-way and adjacent areas; and

(2) construct, improve, and maintain access ramps and turnoffs to connect truck highways with recreational land owned by the department of natural resources.

Subd. 4. [APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.] Promulgation of the recreational use plan under subdivision 2 is subject to chapter 14, the administrative procedure act. The standards established under subdivision 1 are not subject to the administrative procedure act.

Sec. 2. [TRUNK HIGHWAY SYSTEM; NEW ROUTE SUBSTITUTED FOR EXISTING ROUTE.]

Subdivision 1. [ADDITIONAL ROUTE.] There is added to the trunk highway system a new route in Minnesota Statutes, section 161.115, described as follows:

Route No. 294. Beginning at the intersection of business route no. 71 (old trunk highway no. 71) and Civic Center Road (formerly 15th Avenue N.E.) in Willmar, at or near the South Line of Government Lot 1, Section 2, Township 119 North, Range 35 West; thence extending in a general easterly, northerly, and northwesterly direction into and through the grounds of the Willmar state hospital to the intersection with old trunk highway no. 71 about 400 feet northerly of the South Line of Government Lot 1, Section 1, Township 119 North, Range 35 West.

Subd. 2. [SUBSTITUTION.] The route established in subdivision 1 is substituted for route no. 294 as contained and described in Minnesota Statutes 1984, section 161.115. Route no. 294 as contained and described in that section is discontinued and removed from the trunk highway system.

Subd. 3. [DIRECTIONS TO REVISOR.] The revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes, shall substitute the route established in subdivision 1 for the route discontinued and removed from the trunk highway system in subdivision 2.

Sec. 3. Minnesota Statutes 1985 Supplement, section 161.20, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION, REPLACEMENT OF PROPERTY; BUILDINGS; RELOCATION OF CORNERS; AGREEMENTS WITH RAILROADS; CONTRACTS.] (a) The commissioner is authorized to acquire by purchase, gift, or by eminent domain proceedings as provided by law, in fee or such lesser estate as the commissioner deems necessary, all lands and properties necessary in laying out, constructing, maintaining, and improving the trunk highway system including recreational vehicle lanes; to locate, construct, reconstruct, improve, and maintain the trunk highway system; to purchase all road material, machinery, tools, and supplies necessary for the construction, maintenance, and improvement thereof; to construct necessary buildings, or rent or acquire by purchase, gift, or condemnation, grounds, and buildings necessary for the storing and housing of such material, machinery, tools, and supplies or necessary for office space for employees or for providing for driver license examinations; to maintain, repair, or remodel such buildings as may be necessary; to acquire by purchase, gift, or condemnation, replacement sites for historically significant buildings or structures and to relocate these buildings or structures onto those sites, reconstructing and maintaining them until disposed of through public sale to the highest responsible bidder; to make agreements with any county for the relocation or reestablishment, by the county, of section, quarter section, or meander corners originally established by the United States, when such relocation or reestablishment is necessary in order to write land acquisition descriptions or by reason of the construction, reconstruction, improvement, or maintenance of a trunk highway; to contract on an equitable basis with railroad companies for the installation and reinstallation of safety devices at trunk highway-railroad grade crossings, and for the construction, reconstruction and maintenance of bridges and approaches existing or necessary for the separation of grades at railroad and trunk highway intersections; and in carrying out duties, to let all necessary contracts in the manner prescribed by law.

(b) *In addition to capital building improvements specified by the legislature for construction, the commissioner may contract to dispose of and replace existing land, buildings, and associated property with land, buildings, and associated property at a new location if replacement would result in a clear public benefit. A clear public benefit results if the following conditions are satisfied:*

(1) *the present use of the property to be replaced is not the highest and best use of the property compared to other property located in the immediate, surrounding area;*

(2) *replacement will promote commercial and economic development and employment in the area;*

(3) *replacement will not result in diminished service provided by the department or result in significantly increased future costs for the department due solely to the relocation of its facilities;*

(4) *the replacement will result in a significant economic benefit or interest to the state; and*

(5) *the procedures to effectuate replacement include an open, competitive contracting process.*

The commissioner may enter into a contract for purposes of this paragraph only after presenting a report detailing the terms of the contract to the chairs of the house appropriations committee and the senate finance committee. The commissioner shall not execute the contract until the chairs have made their recommendations. Recommendations are advisory only.

(c) The commissioner may make agreements with and co-operate with any governmental authority for the purpose of effectuating the provisions of this chapter.

Sec. 4. Minnesota Statutes 1984, section 169.07, is amended to read:

169.07 [UNAUTHORIZED SIGNS.]

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit (1) the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, or (2) the temporary placement by auctioneers licensed or exempt from licensing under section 330.01, for a period of not more than eight consecutive hours, on or adjacent to the right-of-way of a highway not more than four signs directing motorists to the location of an auction. The signs must conform to standards for size, content, placement, and location for such signs promulgated by the commissioner of transportation. The rules may require a permit for each such sign but no fee may be charged for the permit.

Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdic-

tion over the highways is hereby empowered to remove the same, or cause it to be removed, without notice.

Sec. 5. Minnesota Statutes 1984, section 169.44, is amended by adding a subdivision to read:

Subd. 1d. [OPTIONAL SYSTEM.] In addition to equipment required under subdivision 1a and notwithstanding the provisions of section 169.64, a school bus may be equipped with a driver-activated, student control warning system which includes a high-intensity red flashing signal, an audible warning signal and a green all-clear signal, and may activate such a system whenever the use of the stop signal arm and flashing red signals is required under subdivision 2.

Sec. 6. Minnesota Statutes 1984, section 173.08, subdivision 1, is amended to read:

Subdivision 1. [ADVERTISING DEVICES RESTRICTED.] No advertising device, excepting the advertising devices described and permitted under sections 173.01 to 173.27, shall be erected or maintained in an adjacent area, after June 8, 1971, except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the commissioner relative to their lighting, size, spacing and other requirements as may be appropriate to implement sections 173.01 to 173.27;

(b) Advertising devices advertising the sale or lease of property upon which they are located, provided that there shall not be more than one such sign, advertising the sale or lease of the same property, visible to traffic proceeding in any one direction on any one interstate or primary highway;

(c) Advertising devices advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods sold, stored, manufactured, processed or mined thereon, services rendered thereon, and entertainment provided thereon;

(d) Advertising devices stating the name and address of the owner, lessee or occupant of such property or information otherwise required or authorized by law to be posted or displayed thereon;

(e) Public utility signs;

(f) Service club and religious notices;

(g) Advertising devices of which the advertising copy or the name of the owner thereof is in no part visible from the traveled way of the aforesaid highways;

(h) Advertising devices which are located, or which are to be located, in business areas and which comply, or will comply when erected, with the provisions of sections 173.01 to 173.27;

(i) *Signs placed temporarily by auctioneers under section 169.07.*

Sec. 7. Minnesota Statutes 1985 Supplement, section 221.033, subdivision 3, is amended to read:

Subd. 3. [VARIANCE, RULES.] The commissioner shall adopt rules which provide a procedure for granting a variance from those regulations adopted under subdivision 1 which prescribe specifications for tank motor vehicles used to transport gasoline. The variance may be granted only (TO PERSONS WHO TRANSPORT GASOLINE IN) *for tank motor vehicles with a capacity of 3,000 gallons or less that are used to transport gasoline and which were designed and manufactured between 1950 and 1975 (ACCORDING TO AMERICAN SOCIETY OF MECHANICAL ENGINEERS SPECIFICATIONS IN EFFECT AT THE TIME OF MANUFACTURE) to transport petroleum products.* The commissioner shall prescribe alternative requirements to assure the safety of the tank motor vehicles operated under the variance, and shall register each tank motor vehicle operated under the variance.

Sec. 8. Laws 1974, chapter 151, section 3, is amended to read:

This act shall take effect upon the construction of the (TRUNK HIGHWAY 12) *Route 4 and Route 49 bypass of Willmar.*

Sec. 9. [HIGH OCCUPANCY VEHICLES.]

Subdivision 1. [HIGH OCCUPANCY LANES.] The commissioner of transportation shall, in the design of any controlled access highway within the metropolitan area as defined in Minnesota Statutes, section 473.02, subdivision 5, consider the inclusion in the design of one or more lanes of traffic reserved exclusively for vehicles carrying two or more persons.

Subd. 2. [EXCLUSIVE BUS LANES.] The commissioner of transportation shall, in the management of controlled access highways within the metropolitan area as defined in Minnesota Statutes, section 473.02, subdivision 5, which have entrance ramps reserved exclusively for buses, consider the use of such ramps by any vehicle carrying two or more persons.

Sec. 10. [SETTLEMENT FUNDS.]

To the extent allowable under the terms of settlements prescribed by the federal government or federal court order, the state agency designated by the governor to receive funds resulting from litigation or settlements of alleged violations of federal petroleum pricing regulations shall deposit percent of such funds received as follows:

(1) 75 percent of such percentage in the highway user tax distribution fund; and

(2) 25 percent of such percentage in the transit assistance fund.

Sec. 11. [EFFECTIVE DATE.]

Sections 2, 3, 7, 8, and 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to transportation; providing for standards for highways in areas of unusual scenic interest; adding new route to trunk highway system in substitution of existing route; allowing old highway to be turned back to city of Willmar; permitting commissioner of transportation to exchange transportation facilities under conditions of clear public benefit; providing for temporary directional signs to auctions; providing for driver-activated student control warning system on school buses; providing for variance from rules for certain tank motor vehicles; providing that the use of certain high occupancy lanes and exclusive bus lanes by vehicles carrying more than one person be considered by the commissioner of transportation; providing for distribution of certain settlement funds; directing the revisor of statutes to make route substitutions; amending Minnesota Statutes 1984, sections 169.07; 169.44, by adding a subdivision; and 173.08, subdivision 1; amending Minnesota Statutes 1985 Supplement, sections 161.20, subdivision 2; and 221.033, subdivision 3; and Laws 1974, chapter 151, section 3; proposing coding for new law in Minnesota Statutes, chapter 160."

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:

Senate Concurrent Resolution No. 19, a senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

Reported the same back with the following amendments:

Page 1, line 12, delete "Senate" and insert "Legislature"

Page 1, lines 12 and 13, delete ", the House concurring,"

Page 1, line 20, delete "is" and insert "and the Chief Clerk of the House are"

Page 1, line 22, delete "his signature" and insert "their signatures"

Page 1, line 23, delete the first comma and insert "and"

Page 1, lines 23 and 24, delete ", and the Chief Clerk of the House,"

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 943, 948, 1796, 1932, 1949, 1968, 2094, 2239, 2275, 2331 and 2388 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1910 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Redalen introduced:

H. F. No. 2532, A bill for an act relating to natural resources; authorizing spending for acquiring and bettering public land and buildings for a fish hatchery; authorizing issuance of state bonds; appropriating money.

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

Rees introduced:

H. F. No. 2533, A bill for an act relating to transportation; authorizing transportation to nonpublic schools outside school

district boundary within certain limits; amending Minnesota Statutes 1984, section 123.78, subdivision 1a.

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

Segal, Greenfield, Long, Kelly and Tomlinson introduced:

H. F. No. 2534, A resolution memorializing the President and Congress to declare that the United States will refrain from testing nuclear weapons and to negotiate a test ban treaty with the Soviet Union.

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

Anderson, G.; Schoenfeld; Brown; Tunheim and Lieder introduced:

H. F. No. 2535, A resolution memorializing the President and Congress of the United States to investigate and take action to effect changes in the wheat grading and marketing process.

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

Schreiber, Valento, Voss and Brandl introduced:

H. F. No. 2536, A bill for an act relating to taxation; property; modifying the metropolitan revenue distribution system; phasing out certain exemptions; providing a variable contribution percentage; equalizing commercial-industrial assessed valuations; changing certain definitions; eliminating the administrative auditor's functions; amending Minnesota Statutes 1984, sections 473F.01; 473F.02, subdivision 12; 473F.06; 473F.07; 473F.08, subdivisions 2, 5, 6, 7a, and by adding a subdivision; 473F.09; 473F.13; Minnesota Statutes 1985 Supplement, section 473F.02, subdivision 3; repealing Minnesota Statutes 1984, sections 473F.02, subdivisions 6, 9, 11, 16, 18, 19, and 20; 473F.03; and 473F.12; and Minnesota Statutes 1985 Supplement, section 473F.02, subdivision 17.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Nelson, K., introduced:

H. A. No. 79, A proposal to study the roles and responsibilities of Minnesota Public School Boards.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1886 and 2035.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1886, A bill for an act relating to the city of Moorhead; authorizing the establishment of a detached banking facility in the city of Moorhead by a state bank located within 30 miles of the city of Moorhead.

The bill was read for the first time.

Valan moved that S. F. No. 1886 and H. F. No. 2032, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2035, 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.

The bill was read for the first time.

Norton moved that S. F. No. 2035 and H. F. No. 2393, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 5; permitting the legislature to authorize the state to operate a lottery.

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

CONSENT CALENDAR

S. F. No. 923 was reported to the House.

Marsh moved that S. F. No. 923 be continued on the Consent Calendar for one day. The motion prevailed.

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

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1774 was reported to the House.

Levi moved that H. F. No. 1774 be continued on the Consent Calendar for one day. The motion prevailed.

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

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

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

Those who voted in the affirmative were:

Anderson, G.	Becklin	Boo	Clark	Dyke
Anderson, R.	Begich	Brandl	Clausnitzer	Elioff
Backlund	Bennett	Burger	Cohen	Erickson
Battaglia	Bishop	Carlson, D.	Dempsey	Fjoslien
Beard	Boerboom	Carlson, L.	DenOuden	Forsythe

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

The bill was passed and its title agreed to.

H. F. No. 2405 was reported to the House.

Sarna moved that H. F. No. 2405 be continued on the Consent Calendar for one day. The motion prevailed.

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.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Schoenfeld	Skoglund	Thiede	Uphus	Waltman
Schreiber	Solberg	Thorson	Valan	Welle
Seaberg	Sparby	Tjornhom	Valento	Wenzel
Segal	Stanlius	Tomlinson	Vanasek	Wynia
Shaver	Staten	Tompkins	Vellenga	Zaffke
Sherman	Swiggum	Tunheim	Voss	Spk. Jennings, D.
Simoneau				

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

Anderson, G.	Brown	Erickson	Heap	Levi
Anderson, R.	Burger	Fjoslien	Himle	Lieder
Backlund	Carlson, D.	Forsythe	Jacobs	Long
Battaglia	Carlson, L.	Frederick	Jaros	Marsh
Beard	Clark	Frederickson	Jennings, L.	McEachern
Becklin	Clausnitzer	Frerichs	Johnson	McLaughlin
Begich	Cohen	Greenfield	Kahn	McPherson
Bennett	Dempsey	Gruenes	Kalis	Metzen
Bishop	DenOuden	Gutknecht	Kelly	Miller
Blatz	Dimler	Halberg	Kiffmeyer	Minne
Boerboom	Dyke	Hartinger	Knickerbocker	Munger
Boo	Elioff	Hartle	Krueger	Murphy
Brandl	Ellingson	Haukoos	Kvam	Nelson, D.

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

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 2080 was reported to the House.

Thorson moved that H. F. No. 2080 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 651 was reported to the House.

Segal moved to amend H. F. No. 651, the first engrossment, as follows:

Page 2, line 17, after "*unifying*" insert "*mental health*"

The motion prevailed and the amendment was adopted.

H. F. No. 651, A bill for an act relating to health; authorizing inclusion of physical fitness therapies in grant programs for the mentally ill; providing for study of the administration of mental health services; amending Minnesota Statutes 1984, sections 245.-73, by adding a subdivision; and 256E.12, subdivision 1.

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

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

Those who voted in the affirmative were:

Anderson, G.	Boerboom	Dempsey	Frederick	Haukoos
Backlund	Boo	DenOuden	Frederickson	Heap
Battaglia	Brandl	Dimler	Frerichs	Himle
Beard	Brown	Dyke	Greenfield	Jacobs
Becklin	Burger	Elioff	Gruenes	Jaros
Begich	Carlson, L.	Ellingson	Gutknecht	Jennings, L.
Bennett	Clark	Erickson	Halberg	Johnson
Bishop	Clausnitzer	Fjoslien	Hartinger	Kalis
Blatz	Cohen	Forsythe	Hartle	Kelly

Kiffmeyer	Nelson, D.	Piepho	Scheid	Tjornhom
Knickerbocker	Nelson, K.	Piper	Schoenfeld	Tomlinson
Krueger	Neuenschwander	Poppenhagen	Schreiber	Tompkins
Kvam	Norton	Price	Seaberg	Tunheim
Levi	O'Connor	Quinn	Segal	Uphus
Lieder	Ogren	Quist	Shaver	Valan
Long	Olsen, S.	Redalen	Sherman	Vaiento
Marsh	Olson, E.	Rees	Simoneau	Vanasek
McEachern	Omman	Rest	Skoglund	Vellenga
McLaughlin	Onnen	Rice	Solberg	Voss
McPherson	Osthoff	Richter	Sparby	Waltman
Metzen	Otis	Riveness	Stanisus	Welle
Miller	Ozment	Rodosovich	Staten	Wenzel
Minne	Pappas	Rose	Svigum	Wynia
Munger	Pauly	Sarna	Thiede	Zaffke
Murphy	Peterson	Schafer	Thorson	Spk. Jennings, D.

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

S. F. No. 1919 was reported to the House.

Seaberg moved to amend S. F. No. 1919, as follows:

Page 1, line 18, after the period insert “*“Patient” also means a minor who is admitted to a residential program as defined in section 7.*”

Page 2, line 8, after the period insert “*In the case of patients admitted to residential programs as defined in section 7, the written statement shall also describe the right of a person 16 years old or older to request release as provided in section 253B.04, subdivision 2, and shall list the names and telephone numbers of individuals and organizations that provide advocacy and legal services for patients in residential programs.*”

Page 2, line 33, after the comma insert “*every residential program as defined in section 7,*”

Page 3, line 6, after “*hospitals*” insert “*, residential programs as defined in section 7 which are hospital-based primary treatment programs,*”

Page 3, after line 21, insert:

“Sec. 5. Minnesota Statutes 1984, section 144.651, is amended by adding a subdivision to read:

Subd. 31. [ISOLATION AND RESTRAINTS.] A minor patient who has been admitted to a residential program as defined in section 7 has the right to be free from physical restraint and isolation except in emergency situations involving a likelihood that the patient will physically harm the patient's self or others. These procedures may not be used for disciplinary purposes, to enforce program rules, or for the convenience of staff. Isolation or restraint may be used only upon the prior authoriza-

tion of a physician, psychiatrist, or licensed consulting psychologist, only when less restrictive measures are ineffective or not feasible and only for the shortest time necessary.

Sec. 6. Minnesota Statutes 1984, section 144.651, is amended by adding a subdivision to read:

Subd. 32. [TREATMENT PLAN.] A minor patient who has been admitted to a residential program as defined in section 7 has the right to a written treatment plan that describes in behavioral terms the case problems, the precise goals of the plan, and the procedures that will be utilized to minimize the length of time that the minor requires inpatient treatment. The plan shall also state goals for release to a less restrictive facility and follow-up treatment measures and services, if appropriate. To the degree possible, the minor patient and his or her parent or guardian shall be involved in the development of the treatment and discharge plan.

Sec. 7. [253C.01] [REPORTING BY RESIDENTIAL TREATMENT PROGRAMS REQUIRED.]

Subdivision 1. [DEFINITION.] As used in this section, "residential program" means (1) a freestanding primary treatment program or hospital-based primary treatment program that provides residential treatment to chemically dependent or mentally ill minors, or (2) a facility licensed by the state to provide services for emotionally disturbed minors on a 24-hour basis.

Subd. 2. [ANNUAL REPORT REQUIRED.] Beginning June 1, 1986, each residential program shall collect the information listed in this subdivision. Each residential program shall file a report no later than December 31, 1986, containing the information collected as of that date. Thereafter, each residential program shall prepare an annual report for the year ending June 30 of each year and file the report no later than December 31 of each year. Hospital-based primary treatment programs shall file the report with the commissioner of health. All other residential programs shall file the report with the commissioner of human services. The reports are public data and must contain at least the following information for the period covered by the report:

- (1) number of minors admitted to the program;*
- (2) number of minors discharged from the program;*
- (3) primary diagnoses of each admitted minor;*
- (4) number of minors who remained in residence for less than 30 days;*

(5) *number of minors who remained in residence for between 30 and 60 days;*

(6) *number of minors who remained in residence for more than 60 days;*

(7) *average length of stay of minors in the program;*

(8) *number of minors who have received psychotropic medications;*

(9) *age, race, and sex of each minor;*

(10) *copy of written notices, forms, and other procedures being used to advise minors and their parents of their rights;*

(11) *number of minors admitted or presently in residence who have previously had residential treatment;*

(12) *number of minors who are on private pay or third-party reimbursement payment and number who are receiving government funds for treatment;*

(13) *criteria for admission and continued stay;*

(14) *number of minors whose admission is court-ordered; and*

(15) *number of beds on a locked unit and number of beds on an unlocked unit.*

The information required by this subdivision must be separately stated for chemically dependent, mentally ill, and emotionally disturbed minors as defined by the residential programs.

Subd. 3. [RELEASE AND SUMMARY OF DATA.] The reporting requirement of this section must not release individual names of minors or other identifying information. The commissioner of health and the commissioner of human services shall make the reports available to interested persons upon request."

Amend the title as follows:

Page 1, line 4, before the semicolon insert "and minors receiving residential chemical dependency or mental health treatment"

Page 1, line 7, after the semicolon insert "requiring the reporting of certain information by residential treatment programs for mentally ill, chemically dependent, and emotionally disturbed minors;"

Page 1, line 9, delete "a subdivision" and insert "subdivisions; proposing coding for new law as Minnesota Statutes, chapter 253C"

The motion prevailed and the amendment was adopted.

S. F. No. 1919, A bill for an act relating to mental health; extending the patients' bill of rights to cover people receiving out-patient mental health treatment; defining a minimum grievance procedure for health care facilities; including in the patients' bill of rights the right of access to protection and advocacy services; amending Minnesota Statutes 1984, section 144-651, subdivisions 2, 4, 20, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, G.	Haukoos	Kalis	Piepho	Solberg
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The bill was passed, as amended, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1815, A bill for an act relating to taxation; real property; prescribing requirements of the sales ratio study used by the state board of equalization; amending Minnesota Statutes 1984, section 270.12, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dempsey moved that the House refuse to concur in the Senate amendments to H. F. No. 1815, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2009, A bill for an act relating to economic development; defining the duties and terms of office of the members of the world trade center board; classifying data held by the board; amending Minnesota Statutes 1984, sections 44A.01, subdivision 1; 44A.02; 44A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 44A.

PATRICK E. FLAHAVEN, Secretary of the Senate

McKasy moved that the House refuse to concur in the Senate amendments to H. F. No. 2009, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Fjoslien moved that the House refuse to concur in the Senate amendments to H. F. No. 1599, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1815:

Schreiber, Himle, Dempsey, Kvam and McKasy.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2009:

Forsythe; Carlson, D.; Olsen, S.; DenOuden and Carlson, J.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1599:

McDonald, Frederickson, Boerboom, Valan and Schoenfeld.

SPECIAL ORDERS, Continued

H. F. No. 1781 was reported to the House.

There being no objection H. F. No. 1781 was temporarily laid over on Special Orders.

S. F. No. 1742, A bill for an act relating to military affairs; authorizing the department of military affairs to purchase certain insurance; amending Minnesota Statutes 1984, section 15.38, by adding a subdivision.

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

The bill was passed and its title agreed to.

The Speaker called Halberg to the Chair.

H. F. No. 2185 was reported to the House.

Sviggum and Knuth moved to amend H. F. No. 2185, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 16B.07, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF NOTICE; EXPENDITURES OVER (\$5,000) \$15,000.] If the amount of an expenditure or sale is estimated to exceed (\$5,000) \$15,000, sealed bids must be solicited by public notice inserted at least once in a newspaper or trade journal not less than seven days before the final date of submitting bids. The commissioner shall designate the newspaper or trade journal for that publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The commissioner shall also solicit sealed bids by sending notices by mail to all prospective bidders known to the commissioner, and by posting notice on a public bulletin board in the commissioner's office at least five days before the

final date of submitting bids. All bids must be sealed when they are received and must be opened in public at the hour stated in the notice. All original bids and all documents pertaining to the award of a contract must be retained and made a part of a permanent file or record and remain open to public inspection.

Sec. 2. Minnesota Statutes 1984, section 16B.07, subdivision 4, is amended to read:

Subd. 4. [PURCHASES, SALES, OR RENTALS; (\$5,000) \$15,000 OR LESS.] All purchases or sales the amount of which is estimated to be (\$5,000) \$15,000 or less may be made either upon competitive bids or in the open market, in the discretion of the commissioner. So far as practicable, however, they must be based on at least three competitive bids which must be permanently recorded.

Sec. 3. Minnesota Statutes 1984, section 16B.08, subdivision 4, is amended to read:

Subd. 4. [NEGOTIATED CONTRACTS.] In lieu of any of the other requirements of this chapter, the commissioner may negotiate a contract for public work to be performed at a state owned institution or installation if the cost does not exceed (\$5,000) \$15,000 and if the head of the affected state agency requests the commissioner to do so. The commissioner shall have prepared whatever plans and specifications for the public work he deems necessary to protect the public interest. Contractor's bonds or security pursuant to chapter 574 are not required for contracts entered into pursuant to this subdivision.

Sec. 4. Minnesota Statutes 1984, section 16B.09, subdivision 1, is amended to read:

Subdivision 1. [LOWEST RESPONSIBLE BIDDER.] All state contracts and purchases made by or under the supervision of the commissioner or an agency for which competitive bids are required must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

The commissioner may decide which is the lowest responsible bidder for all purchases. As to contracts other than for purchases, the head of the interested agency shall make the decision, subject to the approval of the commissioner. Any (BID) or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "the" insert "purchase,"

Page 1, line 3, after "fees" insert ", services,"

Page 1, line 5, after "Statutes" insert "1984, sections 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.09, subdivision 1; and Minnesota Statutes"

A roll call was requested and properly seconded.

Minne moved to lay the Sviggum and Knuth amendment to H. F. No. 2185, on the table.

A roll call was requested and properly seconded.

The question was taken on the Minne motion and the roll was called. There were 54 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	McLaughlin	Peterson	Solberg
Anderson, R.	Ellingson	Metzen	Piper	Sparby
Battaglia	Frederick	Minne	Price	Staten
Beard	Greenfield	Murphy	Rest	Tomlinson
Begich	Jacobs	Nelson, D.	Rice	Tunheim
Brandl	Jaros	Nelson, K.	Sarna	Vanasek
Carlson, L.	Kahn	Norton	Scheid	Vellenga
Clark	Kelly	O'Connor	Schoenfeld	Voss
Clausnitzer	Krueger	Ogren	Segal	Welle
Cohen	Long	Osthoff	Simoneau	Wenzel
Dyke	McEachern	Pappas	Skoglund	

Those who voted in the negative were:

Backlund	Forsythe	Kiffmeyer	Pauly	Shaver
Becklin	Frederickson	Knickerbocker	Piepho	Sherman
Bennett	Frerichs	Knuth	Poppenhagen	Sviggum
Bishop	Gruenes	Levi	Quist	Thiede
Blatz	Gutknecht	Lieder	Redalen	Thorson
Boerboom	Halberg	Marsh	Rees	Tjornhom
Burger	Hartinger	McKasy	Richter	Tompkins
Carlson, D.	Hartle	McPherson	Riveness	Valan
Dempsey	Haukoos	Miller	Rodovich	Valento
DenOuden	Heap	Olsen, S.	Rose	Waltman
Dimler	Himle	Onnen	Schafer	
Erickson	Jennings, L.	Otis	Schreiber	
Fjoslien	Johnson	Ozment	Seaberg	

The motion did not prevail.

POINT OF ORDER

Staten raised a point of order pursuant to rule 3.9 that the Sviggum and Knuth amendment was not in order.

Svigum withdrew his amendment to H. F. No. 2185.

Knuth moved to amend H. F. No. 2185, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1984, section 16B.07, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF NOTICE; EXPENDITURES OVER (\$5,000) \$15,000.] If the amount of an expenditure or sale is estimated to exceed (\$5,000) \$15,000, sealed bids must be solicited by public notice inserted at least once in a newspaper or trade journal not less than seven days before the final date of submitting bids. The commissioner shall designate the newspaper or trade journal for that publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The commissioner shall also solicit sealed bids by sending notices by mail to all prospective bidders known to the commissioner, and by posting notice on a public bulletin board in the commissioner's office at least five days before the final date of submitting bids. All bids must be sealed when they are received and must be opened in public at the hour stated in the notice. All original bids and all documents pertaining to the award of a contract must be retained and made a part of a permanent file or record and remain open to public inspection.

Sec. 2. Minnesota Statutes 1984, section 16B.07, subdivision 4, is amended to read:

Subd. 4. [PURCHASES, SALES, OR RENTALS; (\$5,000) \$15,000 OR LESS.] All purchases or sales the amount of which is estimated to be (\$5,000) \$15,000 or less may be made either upon competitive bids or in the open market, in the discretion of the commissioner. So far as practicable, however, they must be based on at least three competitive bids which must be permanently recorded.

Sec. 3. Minnesota Statutes 1984, section 16B.08, subdivision 4, is amended to read:

Subd. 4. [NEGOTIATED CONTRACTS.] In lieu of any of the other requirements of this chapter, the commissioner may negotiate a contract for public work to be performed at a state owned institution or installation if the cost does not exceed (\$5,000) \$15,000 and if the head of the affected state agency requests the commissioner to do so. The commissioner shall have prepared whatever plans and specifications for the public work he deems necessary to protect the public interest. Contractor's bonds or security pursuant to chapter 574 are not required for contracts entered into pursuant to this subdivision.

Sec. 4. Minnesota Statutes 1984, section 16B.09, subdivision 1, is amended to read:

Subdivision 1. [LOWEST RESPONSIBLE BIDDER.] All state contracts and purchases made by or under the supervision of the commissioner or an agency for which competitive bids are required must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

The commissioner may decide which is the lowest responsible bidder for all purchases. As to contracts other than for purchases, the head of the interested agency shall make the decision, subject to the approval of the commissioner. Any (BID) or all bids may be rejected. In a case where competitive bids are required and where all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "the" insert "purchase,"

Page 1, line 3, after "fees" insert ", services,"

Page 1, line 5, after "Statutes" insert "1984, sections 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.09, subdivision 1; and Minnesota Statutes"

A roll call was requested and properly seconded.

POINT OF ORDER

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

The question recurred on the Knuth amendment and the roll was called. There were 74 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frederickson	Himle	Lieder
Backlund	Cohen	Frerichs	Jennings, L.	Marsh
Becklin	Dempsey	Gruenes	Johnson	McPherson
Bennett	DenOuden	Gutknecht	Kalis	Miller
Bishop	Dimler	Halberg	Kiffmeyer	Munger
Blatz	Erickson	Hartle	Knickerbocker	Olsen, S.
Boerboom	Fjoslien	Haukoos	Knuth	Olson, E.
Burger	Forsythe	Heap	Levi	Omann

Onnen	Quinn	Rose	Stanius	Valan
Otis	Quist	Schoenfeld	Swiggum	Valento
Ozment	Redalen	Schreiber	Thiede	Waltman
Pauly	Rees	Seaberg	Thorson	Welle
Piepho	Richter	Shaver	Tjornhom	Wenzel
Poppenhagen	Riveness	Sherman	Tompkins	Zaffke
Price	Rodosovich	Sparby	Tunheim	

Those who voted in the negative were:

Battaglia	Elioff	Long	Ogren	Segal
Beard	Ellingson	McEachern	Osthoff	Simoneau
Begich	Greenfield	McLaughlin	Pappas	Solberg
Brandl	Hartinger	Metzen	Peterson	Staten
Brown	Jacobs	Minne	Piper	Tomlinson
Carlson, L.	Jaros	Murphy	Rice	Vanasek
Clark	Kahn	Nelson, K.	Sarna	Vellenga
Clausnitzer	Kelly	Norton	Schafer	Voss
Dyke	Krueger	O'Connor	Scheid	Wynia

The motion prevailed and the amendment was adopted.

H. F. No. 2185, A bill for an act relating to state government; providing for the purchase, use, administration, or disposal of certain fees, services, and property within the jurisdiction of the commissioner of administration; amending Minnesota Statutes 1984, sections 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.09, subdivision 1; and Minnesota Statutes 1985 Supplement, sections 16B.29; 16B.42, subdivision 4; and 16B.48, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Knuth	Peterson	Simoneau
Backlund	Fjoslien	Krueger	Piepho	Sparby
Battaglia	Forsythe	Kvam	Poppenhagen	Stanius
Becklin	Frederick	Levi	Price	Swiggum
Begich	Frederickson	Lieder	Quinn	Thiede
Bennett	Frerichs	Marsh	Quist	Thorson
Bishop	Gruenes	McEachern	Redalen	Tjornhom
Blatz	Gutknecht	McPherson	Rees	Tomlinson
Boo	Halberg	Metzen	Rest	Tompkins
Brown	Hartinger	Miller	Richter	Tunheim
Burger	Hartle	Nelson, D.	Riveness	Valan
Carlson, D.	Haukoos	Neuenschwander	Rodosovich	Valento
Carlson, J.	Heap	Olsen, S.	Rose	Vanasek
Carlson, L.	Himle	Olson, E.	Schafer	Vellenga
Clausnitzer	Jacobs	Omann	Schoenfeld	Waltman
Cohen	Jennings, L.	Onnen	Schreiber	Welle
Dempsey	Johnson	Otis	Seaberg	Wenzel
DenOuden	Kalis	Ozment	Segal	Zaffke
Dimler	Kiffmeyer	Pappas	Shaver	
Dyke	Knickerbocker	Pauly	Sherman	

Those who voted in the negative were:

Beard	Jaros	Minne	Ogren	Skoglund
Brandl	Kahn	Munger	Osthoff	Solberg
Clark	Kelly	Murphy	Piper	Staten
Elioff	Long	Norton	Rice	Voss
Ellingson	McLaughlin	O'Connor	Sarna	Wynia
Greenfield				

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

S. F. No. 1797, A bill for an act relating to public administration; providing for various town powers; permitting certain sales of public property; providing conditions for contractor's bonds; amending Minnesota Statutes 1984, sections 366.01, subdivision 1; 367.31, subdivision 4; and 471.64, subdivision 1; and Minnesota Statutes 1985 Supplement, sections 365.10; and 574.26.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Voss

The bill was passed and its title agreed to.

H. F. No. 124 was reported to the House.

Thiede moved to amend H. F. No. 124, the second engrossment, as follows:

Page 2, line 23, after "recalled" insert "*but not fewer than 50 eligible voters in total*"

The motion prevailed and the amendment was adopted.

Thiede offered an amendment to H. F. No. 124, as amended.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the amendment was not in order.

The Speaker pro tempore Halberg submitted the following question to the House: "Is it the judgment of the House that the Kahn point of order is well taken?"

A roll call was requested and properly seconded.

Simoneau moved to lay the submission of the point of order to the House on the table. The Speaker pro tempore Halberg ruled the Simoneau motion out of order.

The question was taken on the Kahn point of order and the roll was called. There were 102 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kvam	Otis	Sherman
Backlund	Forsythe	Levi	Pappas	Simoneau
Battaglia	Frederick	Lieder	Peterson	Skoglund
Beard	Frederickson	Long	Piepho	Solberg
Becklin	Greenfield	McEachern	Piper	Sparby
Begich	Gutknecht	McKasy	Price	Staten
Bennett	Hartle	McLaughlin	Quinn	Thorson
Bishop	Haukoos	McPherson	Quist	Tjornhom
Boerboom	Heap	Metzen	Redalen	Tomlinson
Boo	Himle	Minne	Rest	Tompkins
Brandl	Jacobs	Munger	Rice	Tunheim
Brown	Jaros	Murphy	Riveness	Valan
Burger	Jennings, L.	Nelson, D.	Rodosovich	Vanasek
Carlson, D.	Johnson	Nelson, K.	Rose	Vellenga
Carlson, J.	Kahn	Neuenschwander	Sarna	Voss
Carlson, L.	Kalis	Norton	Scheid	Welle
Clark	Kelly	O'Connor	Schoenfeld	Wynia
Cohen	Kiffmeyer	Ogren	Schreiber	Zaffke
Dempsey	Knickerbocker	Olson, E.	Seaberg	
Dyke	Knuth	Omann	Segal	
Elioff	Krueger	Osthoff	Shaver	

Those who voted in the negative were:

Blatz	Gruenes	Olsen, S.	Rees	Thiede
Clausnitzer	Halberg	Onnen	Richter	Valento
DenOuden	Hartinger	Ozment	Schafer	Waltman
Fjoslien	Marsh	Pauly	Stanis	Wenzel
Frerichs	Miller	Poppenhagen	Sviggum	

So it was the judgment of the House that the Kahn point of order relating to rule 3.9 was well taken and the Thiede amendment to H. F. No. 124 was out of order.

The Speaker resumed the Chair.

Brandl moved that H. F. No. 124, as amended, be re-referred to the Committee on General Legislation and Veterans Affairs.

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

The question was taken on the Brandl motion and the roll was called. There were 78 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Lieder	Otis	Solberg
Anderson, R.	Forsythe	Long	Pappas	Sparby
Battaglia	Frederickson	McEachern	Peterson	Thorson
Beard	Greenfield	McLaughlin	Piper	Tomlinson
Becklin	Gutknecht	Metzen	Price	Tompkins
Begich	Hartle	Minne	Quinn	Tunheim
Bishop	Jacobs	Munger	Rest	Valan
Boo	Jaros	Murphy	Rice	Vanasek
Brandl	Jennings, L.	Nelson, D.	Riveness	Vellenga
Brown	Johnson	Nelson, K.	Sarna	Voss
Carlson, D.	Kahn	Neuenschwander	Scheid	Waltman
Carlson, L.	Kelly	Norton	Schoenfeld	Welle
Clark	Knickerbocker	O'Connor	Segal	Wynia
Cohen	Knuth	Ogren	Sherman	Zaffke
Dyke	Krueger	Olson, E.	Simoneau	
Elioff	Kvam	Osthoff	Skoglund	

Those who voted in the negative were:

Bennett	Erickson	Kalis	Ozment	Shaver
Blatz	Fjoslien	Kiffmeyer	Pauly	Stanis
Boerboom	Frederick	Levi	Piepho	Sviggum
Burger	Frerichs	Marsh	Poppenhagen	Thiede
Carlson, J.	Gruenes	McPherson	Quist	Tjornhom
Clausnitzer	Halberg	Miller	Rees	Uphus
Dempey	Hartinger	Olsen, S.	Richter	Valento
DenOuden	Haukoos	Omman	Schafer	Wenzel
Dimler	Heap	Onnen	Seaberg	

The motion prevailed and H. F. No. 124, as amended, was re-referred to the Committee on General Legislation and Veterans Affairs.

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

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

The bill was passed and its title agreed to.

H. F. No. 2023, A bill for an act relating to elections; changing certain procedures in absentee voting; increasing minimum number of election judges in certain precincts; changing certain official ballots for judicial candidates; requiring vendor bonds for certain voting systems; requiring public notice and demonstration for new voting equipment; authorizing standard ballot format; limiting number of ballots at single counting centers; amending Minnesota Statutes 1984, sections 203B.08, subdivisions 1a and 3a; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204D.14, subdivision 2; 206.56, by adding a subdivision; 206.57, by adding a subdivision; 206.58, subdivision 1; 206.82, by adding a subdivision; 206.84, subdivision 3; and 206.85, subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 397 was reported to the House.

Carlson, D., moved to amend H. F. No. 397, the first engrossment, as follows:

Page 1, after line 24, insert:

"Sec. 3. [APPROPRIATION.]

\$12,000 is appropriated from the general fund to the secretary of state for purposes of placing the proposed question on the ballot at the 1986 general election."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 397, A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

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 104 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Knickerbocker	Pauly	Sherman
Backlund	Erickson	Knuth	Peterson	Solberg
Battaglia	Fjoslien	Krueger	Piepho	Sparby
Beard	Forsythe	Kvam	Piper	Stanisus
Becklin	Frederick	Levi	Poppenhagen	Svigggum
Begich	Frederickson	Lieder	Price	Thiede
Bennett	Frerichs	Marsh	Quinn	Thorson
Bishop	Gruenes	McEachern	Quist	Tjornhom
Blatz	Gutknecht	McPherson	Redalen	Tompkins
Boo	Halberg	Metzen	Rees	Tunheim
Brown	Hartinger	Miller	Rest	Uphus
Burger	Hartle	Minne	Richter	Valan
Carlson, D.	Haukoos	Murphy	Riveness	Valento
Carlson, J.	Heap	Nelson, D.	Rodosovich	Vanasek
Carlson, L.	Himle	Neuenschwander	Rose	Voss
Clausnitzer	Jacobs	Ogren	Schafer	Waltman
Dempsey	Jennings, L.	Olsen, S.	Scheid	Welle
DenOuden	Johnson	Olson, E.	Schoenfeld	Wenzel
Dimler	Kalis	Omann	Schreiber	Zaffke
Dyko	Kelly	Onnen	Seaberg	Spk. Jennings, D.
Elioff	Kiffmeyer	Ozment	Shaver	

Those who voted in the negative were:

Brandl	Jaros	Munger	Osthoff	Skoglund
Clark	Kahn	Nelson, K.	Pappas	Tomlinson
Cohen	Long	Norton	Segal	Vellenga
Greenfield	McLaughlin	O'Connor	Simoneau	Wynia

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

H. F. No. 2324 was reported to the House.

Olsen, S., moved to amend H. F. No. 2324, the first engrossment, as follows:

Amend the title as follows:

Page 1, line 5, delete "a" and insert "modifications in the levy for"

The motion prevailed and the amendment was adopted.

H. F. No. 2324, A bill for an act relating to education; prohibiting the state board from authorizing a school board to transfer money from the debt redemption fund except under conditions; allowing modifications in the levy for debt service for independent district No. 750; amending Minnesota Statutes 1984, section 475.61, subdivision 4; Minnesota Statutes 1985 Supplement, section 121.9121, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Backlund

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

H. F. No. 2394 was reported to the House.

Fjoslien moved to amend H. F. No. 2394, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [POW-MIA FLAG.]

The official flag representing those persons who are prisoners of war or are missing in action, or "POW-MIA" flag, shall be flown at most times on the north portico of the state capitol instead of the United Nations flag. The POW-MIA flag shall be flown in honor of all Minnesotans missing in action until the POW-MIA situation in southeast Asia is resolved. The flag shall be furnished by other than the department of veterans affairs and approved by the commissioner of veterans affairs and the capitol area architectural and planning board. A flag or flags other than the POW-MIA flag, such as the United Nations flag, may be flown on special occasions from the north portico.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 2394, the first engrossment, as amended by the Fjoslien amendment, as follows:

Page 1, line 8, of the Fjoslien amendment, after "*capitol*" delete "*instead of the United Nations flag*"

The motion prevailed and the amendment was adopted.

H. F. No. 2394, A bill for an act relating to veterans; requiring the POW-MIA flag to be flown on the capitol.

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 108 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Lieder	Pappas	Shaver
Anderson, R.	Fjoslien	Long	Pauly	Simoneau
Backlund	Forsythe	Marsh	Peterson	Skoglund
Battaglia	Frederick	McEachern	Piepho	Solberg
Beard	Frerichs	McKasy	Piper	Sparby
Becklin	Gruenes	McPherson	Price	Stanisus
Begich	Gutknecht	Metzen	Quinn	Sviggunn
Bennett	Halberg	Miller	Quist	Thiede
Bishop	Hartinger	Minne	Redalen	Thorson
Blatz	Hartle	Munger	Rees	Tjornhom
Brown	Haukoos	Murphy	Rest	Tompkins
Carlson, D.	Heap	Nelson, D.	Rice	Tunheim
Carlson, L.	Himle	Nelson, K.	Richter	Valan
Clark	Jacobs	Neuenschwander	Riveness	Valento
Clausnitzer	Jennings, L.	Norton	Rodosovich	Vanasek
Cohen	Johnson	O'Connor	Sarna	Voss
Dempsey	Kalis	Ogren	Schafer	Waltman
DenOuden	Kiffmeyer	Olson, E.	Scheid	Welle
Dimler	Knickerbocker	Omannon	Schoenfeld	Wenzel
Dyke	Krueger	Osthoff	Schreiber	Zaffke
Elioff	Kvam	Otis	Seaberg	
Ellingson	Levi	Ozment	Segal	

Those who voted in the negative were:

Greenfield	Kahn	Staten	Tomlinson	Vellenga
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The bill was passed, as amended, and its title agreed to.

H. F. No. 2428, A bill for an act relating to public employment labor relations; regulating fair share fees; regulating arbitration; defining employer and employee; amending Minnesota Statutes 1984, sections 179A.03, subdivisions 14, 15, and by adding a subdivision; 179A.05, subdivision 6; 179A.07, subdivision 2; 179A.13, by adding a subdivision; 179A.16, subdivisions 4 and 8; and 179A.21, subdivision 2; Minnesota Statutes 1985 Supplement, section 179A.04, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1892, A bill for an act relating to energy; changing the administration of the state energy code from the commissioner of energy and economic development to the commissioner of administration; amending certain provisions of the state energy code; amending Minnesota Statutes 1984, sections 16B.64, subdivision 4; and 116J.19, subdivision 8.

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 103 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Erickson	Kvam	Ozment	Sherman
Backlund	Fjoslien	Levi	Pauly	Simoneau
Battaglia	Forsythe	Lieder	Peterson	Solberg
Beard	Frederick	Marsh	Piepho	Stanis
Becklin	Frederickson	McEachern	Piper	Sviggum
Begich	Frerichs	McPherson	Poppenhagen	Thiede
Bennett	Gruenes	Metzen	Price	Thorson
Bishop	Gutknecht	Miller	Quinn	Tjornhom
Boerboom	Halberg	Minne	Quist	Tomlinson
Boo	Hartinger	Munger	Redalen	Tompkins
Burger	Hartle	Murphy	Rees	Tunheim
Carlson, D.	Haukoos	Nelson, D.	Rest	Uphus
Carlson, J.	Himle	Neuenschwander	Richter	Valan
Clausmitzer	Jaros	Norton	Rivenness	Valento
Cohen	Jennings, L.	O'Connor	Rodosovich	Vanasek
Dempsey	Johnson	Ogren	Sarna	Waltman
DenOuden	Kalis	Olsen, S.	Schafer	Welle
Dimler	Kelly	Olson, E.	Scheid	Wenzel
Dyke	Knickerbocker	Omann	Schreiber	Zaffke
Elioff	Knuth	Onnen	Seaberg	
Ellingson	Krueger	Otis	Shaver	

Those who voted in the negative were:

Anderson, G.	Clark	McLaughlin	Rice	Staten
Brandl	Greenfield	Nelson, K.	Schoenfeld	Vellenga
Brown	Kahn	Osthoff	Skoglund	Voss
Carlson, L.	Long	Pappas	Sparby	Wynia

The bill was passed and its title agreed to.

H. F. No. 2296 was reported to the House.

Rees moved that H. F. No. 2296 be returned to its author. The motion prevailed.

H. F. No. 2374 was reported to the House.

Valan moved that H. F. No. 2374 be continued on Special Orders for one day. The motion prevailed.

Rees was excused between the hours of 2:50 p.m. and 3:50 p.m.

The Speaker resumed the Chair.

H. F. No. 2371, A bill for an act relating to commerce; providing for the repeal of statutory law regulating entertainment agencies; repealing Minnesota Statutes 1984, sections 184A.01 to 184A.20.

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

Pursuant to rule 2.5, Backlund requested that he be excused from voting on H. F. No. 2371. The request was granted and Backlund was excused from voting.

The question was taken on the passage of the bill and the roll was called. There were 61 yeas and 62 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was not passed.

H. F. No. 1797 was reported to the House.

Johnson moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, line 24, delete "*January 30*" and insert "*April 1*"

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

Sparby moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, after line 24, insert:

"Sec. 2. [611.291] [TERMINATION OF DISTRICT PUBLIC DEFENDER SYSTEM; APPOINTIVE COUNSEL.]

A public defender system established in a judicial district as authorized by Laws 1965, chapter 869 may be terminated within the judicial district in the manner provided by this section.

By a majority vote of each county board, county boards representing a majority of the population of the judicial district may petition the chief judge of the district to hold a hearing to determine whether the public defender system in the district should be terminated. Upon receipt of the petition, the chief judge shall promptly set a hearing date not sooner than 30 days and not later than 60 days after receipt of the petition. The chief judge shall notify, in writing, the judges of the district, the county boards of the counties in the district, the district public defender, the state board of public defense, and the state court administrator of the hearing request, and the date, time, and place of the hearing.

The hearing must be held within the district. The chief judge or designee shall preside. Testimony must be taken on the need for the public defender system in the district, including evidence of the cost of the system and the cost of any proposed methods of providing appointive counsel.

Within 30 days after the conclusion of the hearing, all the county commissioners of counties in the district shall vote on the question of whether to terminate the public defender system in the district. The ballots must be distributed by the chief judge by mail and must be returned to the chief judge for tabulation. The chief judge shall then send notice of the vote totals to the county boards in the district, the district public defender, the state board of public defense, and the state court administrator. If a number of county commissioners representing a majority of the population of the district vote to terminate the public defender system, the system is terminated in the district 90 days after the date on which the chief judge provides the required notice of the vote totals. After the termination, each county board of the counties in the district shall provide representation for indigent persons by:

(1) entering a contract to participate in another district public defender system in which the county would be deemed a county within that judicial district and would pay its proportionate cost of that system pursuant to section 611.27; or

(2) contracting for the services of attorneys to represent indigent persons, consistent with sections 260.155, subdivision 2; 611.07; and 611.071.

Sec. 3. [611.292] [CONTINUED REPRESENTATION.]

The termination of the public defender system in a judicial district pursuant to section 2 does not affect the right of a person to continue to be represented by counsel who commenced representation under the system before its termination. Counsel shall

continue representation of the person until the duties for which counsel was appointed have been completed or counsel is otherwise lawfully discharged from continued representation."

Renumber the remaining section

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Voss offered an amendment to H. F. No. 1797, as amended.

POINT OF ORDER

Halberg raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

POINT OF ORDER

Voss raised a point of order pursuant to rule 5.7 that H. F. No. 1797, as amended, be re-referred to the Committee on Appropriations. The Speaker ruled the point of order not well taken.

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

H. F. No. 1797, A bill for an act relating to courts; amending the law that requires the supreme court to determine whether vacant judicial offices are necessary; providing for termination of certain public defender systems; amending Minnesota Statutes 1985 Supplement, section 2.722, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 611.

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 74 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anderson, C.	Elioff	Kelly	Pappas	Thiede
Battaglia	Erickson	Knickerbocker	Piepho	Thorson
Begich	Fjoslien	Knuth	Poppenhagen	Tjornhom
Bennett	Frederick	Krueger	Quinn	Tomlinson
Boerboom	Frederickson	Kvam	Quist	Tunheim
Brandl	Gruenes	Levi	Redalen	Uphus
Brown	Gutknecht	Lieder	Richter	Valento
Burger	Hartinger	Marsh	Rodosovich	Vanasek
Carlson, J.	Hartle	McKasy	Rose	Vellenga
Clausnitzer	Haukoos	Miller	Schafer	Waltman
Cohen	Heap	Neuenschwander	Schoenfeld	Welle
Dempsey	Himle	Norton	Sherman	Wenzel
DenOuden	Jacobs	Olson, E.	Sparby	Zaffke
Dimler	Johnson	Omama	Stanisus	Spk. Jennings, D.
Dyke	Kalis	Ozment	Sviggun	

Those who voted in the negative were:

Backlund	Greenfield	Minne	Pauly	Segal
Beard	Halberg	Murphy	Peterson	Shaver
Becklin	Jennings, L.	Nelson, D.	Piper	Simoneau
Bishop	Kahn	Nelson, K.	Price	Skoglund
Blatz	Kiffmeyer	O'Connor	Rest	Solberg
Boo	Long	Ogren	Rice	Staten
Carlson, D.	McEachern	Olsen, S.	Sarna	Voss
Carlson, L.	McLaughlin	Onnen	Scheid	Wynia
Clark	McPherson	Osthoff	Schreiber	
Forsythe	Metzen	Otis	Seaberg	

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

H. F. No. 1911 was reported to the House.

Hartinger moved to amend H. F. No. 1911, the first engrossment, as follows:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1984, section 473.882, subdivision 3, is amended to read:

Subd. 3. [TAX.] After adoption of the ordinance under subdivision 2, a local government unit may annually levy a tax on all taxable property in the district for the purposes for which the tax district is established. *The tax levied may not exceed one mill on property located in rural towns other than urban towns, unless allowed by resolution of the town electors.* The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the local unit to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district. A tax levied in accordance with this subdivision for paying capital costs is a levy for the payment of principal and interest on bonded indebtedness within the meaning of section 275.50, subdivision 5, clause (e)."

Page 4, line 2, after the period insert "*The tax levied on rural towns other than urban towns may not exceed one mill, unless approved by resolution of the town electors.*"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 6, after the first semicolon insert "473.882, subdivision 3;"

The motion prevailed and the amendment was adopted.

Nelson, K., offered an amendment to H. F. No. 1911, as amended.

POINT OF ORDER

Levi 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. 1911, A bill for an act relating to natural resources; authorizing watershed management organizations to establish taxing districts within minor watershed units of watersheds; amending Minnesota Statutes 1984, sections 473.878, by adding a subdivision; 473.882, subdivision 3; and 473.883, subdivisions 2, 3, 6, and 7; Minnesota Statutes 1985 Supplement, section 473.882, subdivision 1.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Zaffke

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

H. F. No. 1744 was reported to the House.

Price moved to amend H. F. No. 1744, the first engrossment, as follows:

Page 2, line 1, delete everything after the period

Page 2, line 2, delete "*by the local superintendent,*"

Page 2, line 5, delete "*may*" and insert "*shall*"

Page 2, line 6, delete everything after "*superintendent*" and insert a period

Page 2, delete lines 7 and 8

A roll call was requested and properly seconded.

The question was taken on the Price amendment and the roll was called. There were 65 yeas and 60 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Begich	Erickson	Johnson	Piepho	Sviggum
Bennett	Fjoslien	Kiffmeyer	Poppenhagen	Thiede
Blatz	Frederick	Knickerbocker	Quist	Thorson
Boerboom	Frederickson	Kvam	Redalen	Tjornhom
Boo	Frerichs	Levi	Rees	Tompkins
Burger	Gruenes	Marsh	Richter	Uphus
Carlson, J.	Gutknecht	McPherson	Rose	Valan
Clausnitzer	Hartinger	Miller	Schafer	Valento
Dempsey	Hartle	Olsen, S.	Schreiber	Vanasek
DenOuden	Haukoos	Onnen	Seaberg	Waltman
Dimler	Heap	Ozment	Shaver	Zaffke
Dyke	Himle	Pauly	Sherman	Spk. Jennings, D.

The motion prevailed and the amendment was adopted.

Blatz moved to amend H. F. No. 1744, the first engrossment, as amended, as follows:

Page 2, after line 10, insert:

"Sec. 2. [634.21] [ADMISSION OF ATTENDANCE RECORDS; PRIMA FACIE EVIDENCE.]

Subdivision 1. [CONDITIONS.] In a hearing or trial of a minor under sections 260.015, subdivision 19, and 260.111, subdivision 1, a school attendance record of the minor is admissible in evidence if:

(a) the record was prepared by the attendance officer designated by the school to compile the record according to section 120.14;

(b) the record was prepared in the ordinary course of business by the attendance officer; and

(c) the record is signed by each of the minor's teachers, attesting to the accuracy of the record.

Subd. 2. [PRIMA FACIE EVIDENCE.] In a hearing or trial in which the school attendance of a minor is relevant to prove a violation of section 260.015, subdivision 19, the minor's attendance or absence as indicated by the school attendance record is prima facie evidence that the minor either attended assigned classes or was absent from the classes without lawful excuse."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for the admission into evidence of certain attendance records;"

Page 1, line 6, before the period, insert " ; proposing coding for new law in Minnesota Statutes, chapter 634"

Carlson, L., moved to amend the Blatz amendment to H. F. No. 1744, the first engrossment, as amended, as follows:

Page 1, line 14, before the semicolon insert

"and the attendance was taken during each class period"

The motion prevailed and the amendment to the amendment was adopted.

The Speaker called Halberg to the Chair.

The question recurred on the adoption of the Blatz amendment, as amended by the Carlson, L., amendment, to H. F. No. 1744. The motion prevailed and the amendment, as amended, was adopted.

Begich offered an amendment to H. F. No. 1744.

POINT OF ORDER

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

Solberg moved to amend H. F. No. 1744, the first engrossment, as amended, as follows:

Page 2, line 13, after "*of*" delete "*ten*" and insert "*eight*"

Page 2, line 20, after "*schools,*" delete "*two*" and insert "*one*"

Page 2, line 21, delete "*two*" and insert "*one*"

A roll call was requested and properly seconded.

The question was taken on the Solberg amendment and the roll was called. There were 46 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Peterson	Sparby
Battaglia	Jennings, L.	Munger	Piper	Tomlinson
Beard	Kahn	Nelson, D.	Price	Tunheim
Begich	Kalis	Nelson, K.	Rice	Voss
Clark	Knuth	Neuenschwander	Sarna	Welle
Cohen	Lieder	Norton	Scheid	Wynia
Elioff	Long	O'Connor	Segal	
Ellingson	McEachern	Ogren	Simoneau	
Greenfield	McLaughlin	Olson, E.	Skoglund	
Jacobs	Metzen	Otis	Solberg	

Those who voted in the negative were:

Backlund	Dyke	Kiffmeyer	Quinn	Thiede
Becklin	Erickson	Knickerbocker	Quist	Thorson
Bennett	Fjoslien	Krueger	Redalen	Tjornhom
Blatz	Frederick	Levi	Rees	Tompkins
Boerboom	Frederickson	Marsh	Rest	Uphus
Boo	Frerichs	McPherson	Richter	Valan
Brandl	Gruenes	Miller	Rodosovich	Valento
Brown	Gutknecht	Murphy	Rose	Vanasek
Burger	Halberg	Olsen, S.	Schafer	Vellenga
Carlson, J.	Hartinger	Omann	Schoenfeld	Waltman
Carlson, L.	Hartle	Onnen	Seaberg	Wenzel
Clausnitzer	Haukoos	Ozment	Shaver	Zaffke
Dempsey	Heap	Pauly	Sherman	
DenOuden	Himle	Piepho	Stanis	
Dimler	Johnson	Poppenhagen	Sviggum	

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

H. F. No. 1744, A bill for an act relating to education; making changes to the definition of a school; providing for the admission

into evidence of certain attendance records; establishing a task force to make recommendations about compulsory attendance laws; amending Minnesota Statutes 1984, section 120.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 634.

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 112 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Pappas	Skoglund
Anderson, R.	Fjoslien	Levi	Pauly	Solberg
Backlund	Forsythe	Lieder	Peterson	Sparby
Battaglia	Frederick	Marsh	Piepho	Stanisus
Beard	Frederickson	McEachern	Piper	Sviggum
Becklin	Frerichs	McKasy	Poppenhagen	Thiede
Begich	Gruenes	McLaughlin	Price	Thorson
Bennett	Gutknecht	McPherson	Quinn	Tjornhom
Bishop	Halberg	Metzen	Quist	Tunheim
Blatz	Hartinger	Miller	Redalen	Uphus
Boerboom	Hartle	Minne	Rees	Valan
Boo	Haukoos	Murphy	Rest	Valento
Brandl	Heap	Nelson, D.	Richter	Vellenga
Brown	Himle	Nelson, K.	Rodosovich	Voss
Burger	Jacobs	Neuenschwander	Schafer	Waltman
Carlson, D.	Jennings, L.	Norton	Scheid	Welle
Carlson, L.	Johnson	Ogren	Schoenfeld	Wenzel
Clausnitzer	Kalis	Olsen, S.	Schreiber	Wynia
Dempsey	Kelly	Olson, E.	Seaberg	Zaffke
DenOuden	Kiffmeyer	Omman	Segal	Spk. Jennings, D.
Dimler	Knickerbocker	Onnen	Shaver	
Dyke	Knuth	Otis	Sherman	
Elioff	Krueger	Ozment	Simoneau	

Those who voted in the negative were:

Cohen	Long	O'Connor	Rice	Staten
Greenfield	Munger	Osthoff	Sarna	Tomlinson
Kahn				

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

H. F. No. 2407, A bill for an act relating to state lands; directing transfer of the Croft Mine Park, and all artifacts, machinery, and other personal property used in its operation, to any one or a combination of the city of Ironton, the city of Crosby, and the Croft historical park board.

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

Those who voted in the negative were:

McEachern

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

Levi moved that the remaining bills on Special Orders for today be returned to General Orders. The motion prevailed.

Levi moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, March 10, 1986:

H. F. Nos. 1950, 1677, 1863, 1801, 2089, 2130, 1947, 1767, 1990 and 1838; S. F. No. 1848; H. F. Nos. 2064, 2256, 2395, 1875 and 1958.

SPECIAL ORDERS

H. F. No. 1950, A bill for an act relating to civil liability; limiting the liability of practitioners for the violent acts of patients; providing immunity to municipalities for certain claims that occur as a result of the use of parks and recreation areas; providing for the manner of claiming punitive damages in civil actions; amending Minnesota Statutes 1984, sections 466.03, by adding a subdivision; 549.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rice

The bill was passed 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.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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

The Senate has appointed as such Committee Messrs. Davis, Berg, Stumpf, DeCramer and Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1815, A bill for an act relating to taxation; real property; prescribing requirements of the sales ratio study used by the state board of equalization; amending Minnesota Statutes 1984, section 270.12, subdivision 2.

The Senate has appointed as such Committee Messrs. Johnson, D. J.; Novak; Ms. Berglin; Messrs. Merriam and Peterson, C. C.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2009, A bill for an act relating to economic development; defining the duties and terms of office of the members of the world trade center board; classifying data held by the board;

amending Minnesota Statutes 1984, sections 44A.01, subdivision 1; 44A.02; 44A.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 44A.

The Senate has appointed as such Committee Messrs. Willet, Kroening, Luther, Samuelson and Nelson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTIONS AND RESOLUTIONS

Bishop moved that the name of Skoglund be added as an author on H. F. No. 2519. The motion prevailed.

Waltman moved that House Resolution No. 44 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Forsythe introduced:

House Concurrent Resolution No. 14, A house concurrent resolution for Remembrance and Hope 1986.

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

Senate Concurrent Resolution No. 19 was reported to the House.

SENATE CONCURRENT RESOLUTION NO. 19

A senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

Whereas, the State of Minnesota is proud of the veterans of this nation's wars; and

Whereas, 8,800 Americans including 121 Minnesotans remain unaccounted for from the Korean conflict and 2,441 Americans including 48 Minnesotans remain unaccounted for from the Vietnam conflict; *Now, Therefore*,

Be It Resolved by the Legislature of the State of Minnesota, that an official symbol is established in memory of those Americans who are missing and unaccounted for. The symbol established is a "Red Ribbon" and that the Red Ribbon will be dis-

played in all public buildings and other appropriate locations on the national day of recognition, designated by the Congress of the United States, Friday, September 19, 1986 and until the issue is resolved.

Be It Further Resolved that the Secretary of the Senate and the Chief Clerk of the House are directed to prepare enrolled copies of this resolution, to be authenticated by their signatures and those of the President of the Senate and the Speaker of the House and present them to representatives of the various Minnesota veterans organizations.

Fjoslien moved that Senate Concurrent Resolution No. 19 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 19 was adopted.

Fjoslien introduced:

House Resolution No. 47, A house resolution congratulating the Minnesota National Guard members for the professional and successful manner of their recent service in Austin.

The resolution was referred to the Committee on General Legislation and Veterans Affairs.

McKasy moved that H. F. No. 706 be returned to its author. The motion prevailed.

Hartle moved that H. F. No. 2378 be returned to its author. The motion prevailed.

Rees moved that H. F. No. 2353 be returned to its author. The motion prevailed.

Knickerbocker moved that H. F. No. 2436 be returned to its author. The motion prevailed.

McKasy moved that H. F. No. 2523 be returned to its author. The motion prevailed.

Bishop moved that H. F. No. 1301 be returned to its author. The motion prevailed.

Bishop moved that H. F. No. 2519 be returned to its author. The motion prevailed.

McEachern moved that H. F. No. 1891 be returned to its author. The motion prevailed.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, March 11, 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, Tuesday, March 11, 1986.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

