

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1987

## FOURTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 16, 1987

The House of Representatives convened at 2:00 p.m. and was called to order by Fred C. Norton, Speaker of the House.

Prayer was offered by the Reverend Delton Krueger, House Chaplain.

The roll was called and the following members were present:

Anderson, G.	Frerichs	Larsen	Onnen	Seaberg
Anderson, R.	Greenfield	Lasley	Osthoff	Segal
Battaglia	Gruenes	Lieder	Otis	Shaver
Bauerly	Gutknecht	Long	Ozment	Simoneau
Beard	Hartle	Marsh	Pappas	Skoglund
Begich	Haukoos	McDonald	Pauly	Solberg
Bennett	Heap	McEachern	Pelowski	Sparby
Bertram	Himle	McKasy	Peterson	Stanius
Bishop	Hugoson	McLaughlin	Poppenhagen	Steenasma
Blatz	Jacobs	McPherson	Price	Sviggum
Boo	Jaros	Milbert	Quinn	Thiede
Brown	Jefferson	Miller	Quist	Tjornhom
Burger	Jennings	Minne	Redalen	Tompkins
Carlson, D.	Jensen	Morrison	Reding	Trimble
Carlson, L.	Johnson, A.	Munger	Rest	Tunheim
Carruthers	Johnson, R.	Murphy	Rice	Uphus
Clark	Johnson, V.	Nelson, C.	Richter	Valento
Clausnitzer	Kahn	Nelson, D.	Riveness	Vanasek
Cooper	Kalis	Nelson, K.	Rodosovich	Vellenga
Dauner	Kelly	Neuenschwander	Rose	Wagenius
DeBlicke	Kelso	O'Connor	Rukavina	Waltman
Dempsey	Kludt	Ogren	Sarna	Welle
Dille	Knickerbocker	Olsen, S.	Schafer	Wenzel
Dorn	Knuth	Olson, E.	Scheid	Winter
Forsythe	Kostohryz	Olson, K.	Schoenfeld	Wynia
Frederick	Krueger	Omann	Schreiber	Spk. Norton

A quorum was present.

Kinkel, Swenson and Voss were excused.

Orenstein was excused until 2:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Knickerbocker 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.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Segal, Norton, Skoglund, Clausnitzer and Wynia introduced:

H. F. No. 412, A bill for an act relating to insurance; accident and health; providing group coverage for ambulatory mental health services; amending Minnesota Statutes 1986, sections 62A.152; and 62E.06, subdivision 1.

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

Jensen, Kalis, DeBlicek, Seaberg and Johnson, R., introduced:

H. F. No. 413, A bill for an act relating to public safety; increasing taxable gross weight of vehicles at which proof of payment of use tax is required; providing for permits for new vehicles used in events for promotion purposes; changing trip permit conditions; increasing fine for unlawful use of registration plates or certificates; allowing police to give age of parties in traffic accident to media; providing for service of notice of driver's license revocation by court; providing for chemical tests to determine presence of alcohol or controlled substance; prescribing contents of petition for judicial review of driver's license revocation; subjecting alcohol problem assessment rules to administrative procedure act; prescribing actions by drivers on one-way road when emergency vehicle approaching; requiring school buses on one-way, separated roads with shoulders to load and unload without flashing lights; allowing peace officers to weigh pickup towing trailer or semitrailer; providing for \$10 fee for class A classified provisional driver's license; allowing inspection of school buses for approved wheelchair devices; amending Minnesota Statutes 1986, sections 168.013, subdivision 20; 168.187, subdivision 17; 168.36, subdivision 2; 169.09, subdivision 13; 169.121, subdivision 7; 169.123, subdivision 5c; 169.124, subdivision 2; 169.20, subdivision 5; 169.44, subdivision 2; 169.85; 171.06, subdivision 2; and 299A.11; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Frederick, Dorn and Quist introduced:

H. F. No. 414, A bill for an act relating to education; appropriating money to the department of education for the KIDS technology demonstration site at Mankato-St. Peter.

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

Johnson, A.; Reding; Morrison; Simoneau and Jefferson introduced:

H. F. No. 415, A bill for an act relating to state government; regulating the state council for the handicapped; extending the time for appeals by the council from state building code decisions affecting the interests of handicapped persons; changing the name of the council; amending the duties and responsibilities of the council; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1986, sections 16B.67; and 256.482.

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

Nelson, K.; Segal; Olsen, S., and Kalis introduced:

H. F. No. 416, A bill for an act relating to metropolitan government; permitting regional railroad authorities to engage in certain activities; amending Minnesota Statutes 1986, section 473.398.

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

McLaughlin introduced:

H. F. No. 417, A bill for an act relating to insurance; providing flexibility in the amount of coverages other than for the dwelling under a homeowner's policy; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

Minne, Neuenschwander, Larsen and Brown introduced:

H. F. No. 418, A bill for an act relating to veterans; requiring the commissioner to establish a certification process for veterans service officers; amending Minnesota Statutes 1986, section 197.605, by adding a subdivision.

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

Krueger; Uphus; Bauerly; Nelson, K., and Redalen introduced:

H. F. No. 419, A bill for an act relating to agriculture; clarifying the exceptions to prohibition against manufacture of food from adulterated milk or cream; amending Minnesota Statutes 1986, section 32.21, subdivision 2.

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

Jacobs, Quinn, McLaughlin, Jennings and Scheid introduced:

H. F. No. 420, A bill for an act relating to utilities; regulating certain intrastate gas pipelines; amending Minnesota Statutes 1986, section 216B.08.

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

Ogren introduced:

H. F. No. 421, A bill for an act relating to health; authorizing the commissioner of health to issue subpoenas in certain instances; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Clark, Vellenga and Stanius introduced:

H. F. No. 422, A bill for an act relating to health; health maintenance organizations; requiring disclosure of certain exclusions and limitations on coverage; amending Minnesota Statutes 1986, sections 62D.05, subdivision 2; 62D.07, subdivision 3; and 62D.12, subdivision 1.

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

Brown, Cooper, Wenzel, Sparby and Anderson, G., introduced:

H. F. No. 423, A resolution commending Minnesota's sugar beet growers for their outstanding contributions to the economy and quality of life in Minnesota; memorializing Congress and the United

States Department of Agriculture to continue the current United States Sugar Program.

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

DeBlieck, Simoneau, Kostohryz, Beard and Redalen introduced:

H. F. No. 424, A bill for an act relating to the military; authorizing the adjutant general to delegate certain duties to subordinates; amending Minnesota Statutes 1986, section 190.16, by adding a subdivision.

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

Dempsey introduced:

H. F. No. 425, A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1986, section 144A.01, subdivision 3.

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

Heap, Jaros and Nelson, K., introduced:

H. F. No. 426, A bill for an act relating to education; making admission to the community college system admission to the AVTI system and vice versa; proposing coding for new law in Minnesota Statutes, chapters 136 and 136C.

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

Rest, Vellenga, Clausnitzer, Dempsey and Kelly introduced:

H. F. No. 427, A bill for an act relating to public safety; providing that violation of local DWI ordinance is counted for purposes of driver's license revocation; providing that courts must report juvenile traffic violations to the department of public safety; amending Minnesota Statutes 1986, sections 169.121, subdivision 4; 171.16, subdivision 5; 171.17; and 260.161, by adding a subdivision; repealing Minnesota Statutes 1986, section 260.193, subdivision 9.

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

Welle; Johnson, A.; Munger; Carlson, D., and Neuenschwander introduced:

H. F. No. 428, A bill for an act relating to transportation; railroads; requiring occupied caboose car on certain trains; requiring caboose car to be equipped with shortwave radio; imposing a penalty; amending Minnesota Statutes 1986, section 219.56; proposing coding for new law in Minnesota Statutes, chapter 219.

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

Marsh, Clausnitzer and Rest introduced:

H. F. No. 429, A bill for an act relating to crimes; allowing the court to sentence defendants up to, and including, the maximum sentence provided by law for the offense of conviction if one or more aggravating factors are present; amending Minnesota Statutes 1986, section 244.10, by adding a subdivision.

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

Milbert, Osthoff, Otis, McKasy and Skoglund introduced:

H. F. No. 430, A bill for an act relating to insurance; regulating terminations of certain agency contracts; requiring companies to attempt to rehabilitate agents before terminating their appointment; regulating these rehabilitation agreements; amending Minnesota Statutes 1986, section 60A.171, subdivisions 1, 3, and by adding a subdivision.

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

Johnson, V.; Schoenfeld; Pelowski and Frederick introduced:

H. F. No. 431, A bill for an act relating to human services; extending the community work experience pilot program; amending Minnesota Statutes 1986, section 256.737, subdivision 1.

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

McEachern; Nelson, K.; Olsen, S.; Kostohryz and Kelso introduced:

H. F. No. 432, A bill for an act relating to education; modifying certain provisions of the compulsory attendance laws; establishing new compulsory attendance requirements; amending Minnesota Statutes 1986, sections 121.11, subdivision 7; 123.935, subdivision 7; 127.19; and 127.20; proposing coding for new law in Minnesota Statutes, chapter 120; repealing Minnesota Statutes 1986, sections 120.10, subdivisions 1, 2, 2a, and 2b; and 120.12.

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

Price, Knuth, McEachern, Wynia and Otis introduced:

H. F. No. 433, A bill for an act relating to education; providing a work curfew for high school students; providing a fine; amending Minnesota Statutes 1986, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

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

Sarna, Ogren, O'Connor, Osthoff and Bishop introduced:

H. F. No. 434, A bill for an act relating to employment; prohibiting employers from restricting the legal off-the-job activities of employees; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Sviggum, Simoneau and McPherson introduced:

H. F. No. 435, A bill for an act relating to workers' compensation; prohibiting benefits for injuries caused by employees use of drugs; amending Minnesota Statutes 1986, section 176.021, subdivision 1.

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

Lieder, Haukoos and Olson, E., introduced:

H. F. No. 436, A bill for an act relating to agriculture; providing minimum standards for seed potatoes; proposing coding for new law in Minnesota Statutes, chapter 21.

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

Pelowski, Bennett, Quinn, McEachern and Olsen, S., introduced:

H. F. No. 437, A bill for an act relating to education; establishing a pilot program to reduce class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Segal, Rodosovich, Rose, Shaver and Kelso introduced:

H. F. No. 438, A bill for an act relating to human services; authorizing the commissioner of human services to establish a study committee on problems of elderly persons with mental retardation or related conditions.

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

Wagenius; Kelly; Johnson, A.; Blatz and Bishop introduced:

H. F. No. 439, A bill for an act relating to real estate; providing for clearing title defects in adjacent land; amending Minnesota Statutes 1986, section 508.08.

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

Kelly, Vellenga, Greenfield and Trimble introduced:

H. F. No. 440, A bill for an act relating to probate; enacting the succession without administration provisions of the uniform probate code; proposing coding for new law in Minnesota Statutes, chapter 524.

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



Ozment, Gruenes, Omann, Clausnitzer and Dille introduced:

H. F. No. 441, A bill for an act relating to post-secondary vocational education; removing the date for phasing out the Vietnam veteran's exemption; changing the eligibility requirements; amending Minnesota Statutes 1986, section 136C.13, subdivision 4.

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

Steensma; Nelson, C.; Dille; Winter and DeBlieck introduced:

H. F. No. 442, A bill for an act relating to agriculture; establishing an interest rate buy-down program for agriculture-related small business; appropriating money.

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

Osthoff, Sviggum, Quinn, Kostohryz and Milbert introduced:

H. F. No. 443, A bill for an act relating to taxation; sales and use; exempting state fair admissions; amending Minnesota Statutes 1986, section 297A.25, by adding a subdivision.

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

Sparby, Sarna, Kinkel, Bennett and Price introduced:

H. F. No. 444, A bill for an act relating to insurance; regulating funeral and burial expenses; allowing persons to select funeral or burial services and supplies of their choice; amending Minnesota Statutes 1986, section 72A.325.

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

Neuenschwander; McKasy; Kelly; Anderson, G., and Voss introduced:

H. F. No. 445, A bill for an act relating to commerce; permitting certain charitable trusts to dispose of certain bank assets; proposing coding for new law in Minnesota Statutes, chapter 501.

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

Morrison; Bennett; Frerichs; Johnson, A., and Stanius introduced:

H. F. No. 446, A bill for an act relating to marriage; requiring certain blood tests before marriage; amending Minnesota Statutes 1986, section 517.08, subdivision 1a.

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

Jaros, Heap, Jennings, Jensen and Gruenes introduced:

H. F. No. 447, A bill for an act relating to liquor; authorizing municipalities to permit holders of both on-sale wine and nonintoxicating malt liquor licenses to sell intoxicating malt liquors; amending Minnesota Statutes 1986, section 340A.404, subdivision 5; repealing Laws 1979, chapter 200.

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

Jaros introduced:

H. F. No. 448, A bill for an act relating to automobile insurance; limiting the grounds for cancellation or reduction in limits during the policy period; amending Minnesota Statutes 1986, section 65B.15, subdivision 1.

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

Beard, Riveness, Price, Quinn and Lasley introduced:

H. F. No. 449, A bill for an act relating to economic development; authorizing economic development authorities to construct and furnish buildings; providing for a referendum on an economic development authority's issuance of general obligation bonds; amending Minnesota Statutes 1986, section 458C.14, by adding a subdivision; and section 458C.15, by adding a subdivision.

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

Bertram, Skoglund, Carruthers and Bauerly introduced:

H. F. No. 450, A bill for an act relating to commerce; regulating the advertisement of interest rates of investment products; prescribing the powers and duties of the commissioner; providing for uniformity

in the enforcement powers of the commissioner; prescribing penalties; providing remedies; amending Minnesota Statutes 1986, section 60A.17, subdivision 6c; proposing coding for new law in Minnesota Statutes, chapter 45; repealing Minnesota Statutes 1986, sections 72A.23; 72A.24; 72A.28; 80A.20; 80A.21; 80C.15; 80C.16, subdivision 1; 82.25; 82.26; 83.34; and 83.35, subdivision 3.

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

Neuenschwander introduced:

H. F. No. 451, A bill for an act relating to taxation; individual income; eliminating restrictions on the pension income exclusion; modifying the income offset; amending Minnesota Statutes 1986, section 290.08, subdivision 26.

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

Heap, Poppenhagen, Dille, Tjornhom and Sviggum introduced:

H. F. No. 452, A bill for an act relating to workers' compensation; changing basis of calculating minimum weekly temporary total disability benefits; amending Minnesota Statutes 1986, section 176.101, subdivision 1.

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

O'Connor, Rice, McKasy, Reding and Greenfield introduced:

H. F. No. 453, A bill for an act relating to state investments; limiting investments in companies doing business in Northern Ireland; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

Skoglund, Bishop, Carruthers, Voss and Rodosovich introduced:

H. F. No. 454, A bill for an act relating to insurance; regulating unfair settlement practices of automobile insurers; requiring repairs with original equipment parts; providing an exception; regulating insurance appraisals; revising the truth-in-repairs act to require disclosure of whether new parts are original equipment parts;

amending Minnesota Statutes 1986, sections 72A.20, subdivision 12a; 72B.091, subdivision 2; 325F.56, subdivision 8; and 325F.60, subdivision 1.

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

Pappas, Knuth and Blatz introduced:

H. F. No. 455, A bill for an act relating to state government; providing reimbursement for certain child care expenses incurred in connection with service on state boards, councils, committees, and task forces; amending Minnesota Statutes 1986, sections 15.0575, subdivision 3; 15.059, subdivisions 3 and 6; and 214.09, subdivision 3.

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

Bauerly, Bertram, Kelso and Rukavina introduced:

H. F. No. 456, A bill for an act relating to public health; requiring an itemized billing for hearing aid repairs; amending Minnesota Statutes 1986, section 145.43, by adding a subdivision.

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

Johnson, R.; Simoneau and Knickerbocker introduced:

H. F. No. 457, A bill for an act relating to retirement; public employees retirement association administrative changes; privacy of certain membership data; amending Minnesota Statutes 1986, sections 353.01, subdivisions 2b and 20; 353.03, subdivision 3; 353.27, subdivisions 4, 10, and 12; 353.28, subdivision 5; 353.29, subdivision 8; 353.33, by adding a subdivision; 353.34, by adding a subdivision; 353.36, subdivision 2; 353.64, subdivisions 1 and 2; 353.651, by adding a subdivision; 353.656, subdivision 6, and by adding a subdivision; and 353.657; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1986, section 353.64, subdivision 6.

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

Simoneau; Knickerbocker; Clark; Johnson, R., and Reding introduced:

H. F. No. 458, A bill for an act relating to retirement; providing that membership in a public pension plan is an enforceable contractual right; proposing coding for new law in Minnesota Statutes, chapter 356.

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

Sviggum, McPherson, Hugoson, Omann and Dille introduced:

H. F. No. 459, A bill for an act relating to workers' compensation; eliminating supplemental benefits for new claims; amending Minnesota Statutes 1986, section 176.132, subdivision 1.

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

Haukoos; Welle; Johnson, V.; McEachern and Price introduced:

H. F. No. 460, A bill for an act relating to motor vehicles; authorizing quarterly registration of trucks; amending Minnesota Statutes 1986, section 168.018.

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

Bennett and Morrison introduced:

H. F. No. 461, A bill for an act relating to education; requiring selective service registration as a prerequisite to enrollment in public post-secondary institutions; proposing coding for new law in Minnesota Statutes, chapter 135A.

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

Segal, Simoneau, Steensma, Winter and Dauner introduced:

H. F. No. 462, A resolution memorializing the United States Congress to maintain the Veteran's Administration system of health care facilities.

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

Simoneau, Knickerbocker, Clark, Larsen and Reding introduced:

H. F. No. 463, A bill for an act relating to retirement; public employees retirement association; lowering vesting standards; amending Minnesota Statutes 1986, sections 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivision 1a; 353.33, subdivision 1; 353.34, subdivision 3; 353.651, subdivision 1; 353.657, subdivision 2a; 353.71, subdivision 1; and 356.30, subdivision 1.

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

Carlson, L.; Skoglund; Greenfield; Carruthers and Haukoos introduced:

H. F. No. 464, A bill for an act relating to insurance; accident and health; increasing the maximum lifetime benefit for major medical coverage; amending Minnesota Statutes 1986, sections 62E.04, subdivision 4; and 62E.06, subdivision 1.

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

Kostohryz, Osthoff, Wynia, Orenstein and Rose introduced:

H. F. No. 465, A bill for an act relating to Ramsey county; providing for a charter commission to recommend a form of county government and providing for its adoption.

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

Sarna, Seaberg, Scheid, McEachern and Osthoff introduced:

H. F. No. 466, A bill for an act relating to commerce; clarifying unregulated sales of eyeglasses; amending Minnesota Statutes 1986, section 148.56, subdivision 3.

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

Bertram, Bauerly, Lieder, Dille and Redalen introduced:

H. F. No. 467, A bill for an act relating to liability; providing immunity from liability for volunteer fire chiefs; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Swiggum and Onnen introduced:

H. F. No. 468, A bill for an act relating to state government; amending legislative action required to put recommendations of the state compensation council into effect; amending Minnesota Statutes 1986, section 15A.082, subdivision 3.

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

McEachern, Kostohryz, O'Connor, Jacobs and Bishop introduced:

H. F. No. 469, A bill for an act relating to food licenses; regulating certain vending machine inspection fees; amending Minnesota Statutes 1986, section 28A.09, subdivision 1.

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

Bishop, Jefferson, Orenstein, Greenfield and Krueger introduced:

H. F. No. 470, A bill for an act relating to family law; eliminating the requirement that a husband's consent to donor insemination be filed with the commissioner of health; amending Minnesota Statutes 1986, section 257.56, subdivision 1.

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

Tunheim; Lieder; Johnson, V.; Omann and DeBlieck introduced:

H. F. No. 471, A bill for an act relating to newspapers; providing that only qualified newspapers may accept legal notices for publication; amending Minnesota Statutes 1986, section 331A.02, subdivision 1.

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

Bishop; Vellenga; Anderson, G.; Boo and Long introduced:

H. F. No. 472, A bill for an act relating to health; providing for a declaration of preferences for receiving or refusing health care;

providing penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

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

### 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. 45, A bill for an act relating to commerce; revising the Uniform Trade Secret Act; clarifying remedies; amending Minnesota Statutes 1986, sections 325C.02; 325C.03; and 325C.07.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 44, 97 and 136.

PATRICK E. FLAHAVER, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 44, A bill for an act relating to highways; abolishing restrictions on disposition of right-of-way of trunk highway No. 15 in St. Cloud; repealing Laws 1986, chapter 387, section 2.

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

S. F. No. 97, A bill for an act relating to frauds; fixing conditions for the legal determination of fraud in property transfers; enacting the uniform fraudulent transfer act; proposing coding for new law in Minnesota Statutes, chapter 513; repealing Minnesota Statutes 1986, sections 513.20; 513.21; 513.22; 513.23; 513.24; 513.25; 513.26; 513.27; 513.28; 513.29; 513.30; 513.31; and 513.32.



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

S. F. No. 136, A bill for an act relating to transportation; school bus safety; providing for amber proceed-with-caution signal for driver-activated student control warning systems; amending Minnesota Statutes 1986, section 169.44, subdivision 1d.

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

### CONSENT CALENDAR

H. F. No. 127, A bill for an act relating to nonprofit corporations; adoption services corporations; providing that pledges to make contributions to reimburse the corporation for expenses shall be voidable at the option of the person making the pledge and payment of expenses shall not be a prerequisite to providing adoption services; amending Minnesota Statutes 1986, section 317.65, subdivision 7.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Onnen	Schreiber
Anderson, R.	Gruenes	Lasley	Osthoff	Seaberg
Battaglia	Gutknecht	Lieder	Otis	Segal
Bauerly	Hartle	Long	Ozment	Shaver
Beard	Haukoos	Marsh	Pappas	Simoneau
Begich	Heap	McEachern	Pauly	Skoglund
Bennett	Himle	McKasy	Pelowski	Solberg
Bertram	Hugoson	McLaughlin	Peterson	Sparby
Bishop	Jacobs	McPherson	Poppenhagen	Stanius
Boo	Jaros	Millert	Price	Steensma
Brown	Jefferson	Miller	Quinn	Sviggum
Burger	Jennings	Minne	Quist	Thiede
Carlson, D.	Jensen	Morrison	Redalen	Tjornhom
Carlson, L.	Johnson, A.	Munger	Reding	Trimble
Carruthers	Johnson, R.	Murphy	Rest	Tunheim
Clark	Johnson, V.	Nelson, C.	Rice	Uphus
Clausnitzer	Kahn	Nelson, D.	Richter	Valento
Cooper	Kallis	Nelson, K.	Riveness	Vanasek
Dauner	Kelly	Neuenschwander	Rodosovich	Vellenga
Dempsey	Kelso	O'Connor	Rose	Wagenius
Dille	Kludt	Ogren	Rukavina	Waltman
Dorn	Knickerbocker	Olsen, S.	Sarna	Welle
Forsythe	Knuth	Olson, E.	Schafer	Wenzel
Frederick	Kostohryz	Olson, K.	Scheid	Winter
Frerichs	Krueger	Omam	Schoenfeld	Wynia
				Spk. Norton

The bill was passed and its title agreed to.

Winter was excused at 3:00 p.m. Richter was excused at 3:30 p.m.

### GENERAL ORDERS

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

#### REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. No. 92, the first engrossment, which it recommended to pass with the following amendments:

Offered by Schreiber and Minne:

Page 2, line 29, after the period, insert:

“The combined voting power or the value of the shares of stock and other equity positions held by the fund in an entity may not exceed 40 percent of total combined voting power or the total value of all the stock and other equity interests in the entity.”

Offered by Kahn:

Page 3, after line 36, insert:

“Sec. 4. [298.2945] [ADVISORY COMMITTEE REVIEW.]

If the financial viability of a project is dependent upon the production of a product utilizing a technology that must be approved by the Federal Food and Drug Administration, then the additional amount of \$24,000,000 under this act is available for expenditure only upon an affirmative recommendation by a technical advisory committee consisting of local and national scientific and financial experts appointed by the governor. In making this recommendation, the committee must examine factors affecting the financial viability of the proposed product including but not limited to

(1) a determination of the number of clients to be served nationwide;

(2) the overall business plan for expansion within the tax relief area as defined in section 273.134 and the effect this will have on the company's activity at its other locations;

(3) the scientific feasibility of the product and the likelihood that the product that is developed will meet the applicable federal and state standards;

(4) the long-term usefulness of the product;

(5) the likelihood of patent protection.

Members of the committee shall be compensated as provided in section 15.059, subdivision 3. The review under this section replaces the review required under section 298.297."

Page 4, line 33, delete "5" and insert "6"

Renumber remaining sections and change the title accordingly

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

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Frerichs moved to amend H. F. No. 92, the first engrossment, as amended, as follows:

Page 4, line 24, delete "payments of" and insert a colon

Page 4, after line 24, insert:

"(1) Principal and interest received on loans made pursuant to this section executed after the effective date of this act shall be deposited in the state treasury and credited to the trust until the debt has been satisfied or discharged, or until January 1, 2002.

(2) 50 percent of payments of royalties or other forms of income on property acquired or earnings on investments made after the effective date of this act or with funds appropriated by this act shall be deposited in the state treasury and credited to the trust. The remaining 50 percent of payments of royalties or other forms of

income on property acquired or earnings on investments made after the effective date of this act or with funds appropriated by this act shall be deposited in the state treasury and credited to the reinvest in Minnesota resources fund established under section 84.95.

(3) All principal and interest received, and payments of royalties or other forms of income on property acquired or earnings on investments made after the effective date of this act or with funds appropriated by this act which are due or subject to collection on or after January 1, 2002, shall be deposited in the state treasury and credited to the reinvest in Minnesota resources fund established under section 84.95."

Page 4, delete lines 25 to 27

Page 4, line 28, delete "trust"

The question was taken on the Frerichs amendment and the roll was called. There were 1 yea and 123 nays as follows:

Those who voted in the affirmative were:

Frerichs

Those who voted in the negative were:

Anderson, G.	Frederick	Larsen	Orenstein	Shaver
Anderson, R.	Greenfield	Lasley	Osthoff	Simoneau
Battaglia	Gruenes	Lieder	Otis	Skoglund
Bauerly	Gutknecht	Long	Ozment	Solberg
Beard	Hartle	Marsh	Pappas	Sparby
Begich	Haukoos	McDonald	Pauly	Stanisus
Bennett	Heap	McEachern	Pelowski	Steensma
Bertram	Himle	McLaughlin	Peterson	Thiede
Bishop	Hugoson	McPherson	Poppenhagen	Tjornhom
Blatz	Jacobs	Milbert	Quinn	Tompkins
Boo	Jaros	Miller	Redalen	Trimble
Brown	Jefferson	Minne	Reding	Tunheim
Burger	Jennings	Morrison	Rest	Uphus
Carlson, D.	Jensen	Munger	Rice	Valento
Carlson, L.	Johnson, A.	Murphy	Richter	Vanasek
Carruthers	Johnson, R.	Nelson, C.	Riveness	Vellenga
Clark	Johnson, V.	Nelson, D.	Rodosovich	Wagenius
Clausnitzer	Kahn	Nelson, K.	Rose	Waltman
Cooper	Kalis	O'Connor	Rukavina	Welle
Dauner	Kelly	Ogren	Sarna	Wenzel
DeBlicek	Kelso	Olsen, S.	Schafer	Winter
Dempsey	Kludd	Olson, E.	Scheid	Wynia
Dille	Knuth	Olson, K.	Schoenfeld	Spk. Norton
Dorn	Kostohryz	Omann	Seaberg	
Forsythe	Krueger	Onnen	Segal	

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

Kahn moved to amend H.F. No. 92, the first engrossment, as amended, as follows:

Page 4, after line 29, insert:

"Of the \$24,000,000 appropriated under this act, \$2,400,000 is immediately available with approval of the technical advisory committee created in section 4 to the private entity that owns or operates the project. An additional \$6,000,000 is available to the private entity for expenditure only upon an affirmative recommendation by the technical advisory committee described in section 4 and only after January 1, 1988. The balance remaining is available to the private entity only upon an affirmative recommendation by the technical advisory committee described in section 4, only after January 1, 1988, and only for expenditure on project costs within the tax relief area defined in section 273.134. For purposes of this subdivision, "project costs" means expenditures for construction, installation, or acquisition of a plant and equipment located in the tax relief area defined in section 273.134, but does not include research or development costs incurred or expended for services in designing or developing the equipment used in the project. Prior to receiving any state contribution, the private entity must provide the commissioner of finance with either (1) a letter of credit from a bank with a credit rating of A or better, or (2) a bond from a licensed insurance company with a credit rating of A or better equal to the amount of the state contribution conveyed to the private entity under this act. The letter of credit or bond shall be forfeited to the state if the plant fails to begin operation by December 31, 1990, or the company declares bankruptcy prior to beginning plant operation. Should forfeiture occur, the amount guaranteed by the letter of credit or the bond shall be transferred by the commissioner of finance to the northeast Minnesota economic protection trust fund."

The question was taken on the Kahn amendment and the roll was called. There were 16 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Kahn	Onnen	Rose
Forsythe	Knickerbocker	Osthoff	Scheid
Gruenes	Long	Otis	Sviggum
Heap	Olsen, S.	Quist	Vellenga

Those who voted in the negative were:

Anderson, G.	Carruthers	Himle	Kludt	Milbert
Battaglia	Clausnitzer	Hugoson	Knuth	Miller
Bauerly	Cooper	Jacobs	Kostohryz	Minne
Beard	Dauner	Jaros	Krueger	Morrison
Begich	DeBlieck	Jefferson	Larsen	Munger
Bennett	Dempsey	Jennings	Lasley	Murphy
Bertram	Dorn	Jensen	Lieder	Nelson, C.
Bishop	Frederick	Johnson, A.	Marsh	Nelson, D.
Blatz	Frerichs	Johnson, R.	McDonald	O'Connor
Boo	Greenfield	Johnson, V.	McEachern	Ogren
Brown	Gutknecht	Kalis	McKasy	Olson, E.
Burger	Hartle	Kelly	McLaughlin	Olson, K.
Carlson, L.	Haukoos	Kelso	McPherson	Omann

Orenstein	Reding	Schoenfeld	Thiede	Wagenius
Ozment	Rest	Schreiber	Tjornhom	Welle
Pauly	Rice	Seaberg	Tompkins	Wenzel
Pelowski	Riveness	Shaver	Trimble	Wynia
Peterson	Rodosovich	Skoglund	Tunheim	Spk. Norton
Price	Rukavina	Solberg	Uphus	
Quinn	Sarna	Sparby	Valento	
Redalen	Schafer	Stanius	Vanasek	

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

Thiede moved to amend H. F. No. 92, the first engrossment, as amended, as follows:

Page 3, after line 36, insert:

"Subd. 2. [DECLARATION OF TRUST.] Notwithstanding any law to the contrary, all funds however acquired by or whenever appropriated to the fund are declared to be held in an express trust for the public purposes stated in section 298.292. In addition to all other duties in this section, the commissioner and members of the board shall serve in the capacity of trustee, and shall administer the trust within the fiduciary limits of Minnesota Statutes, chapter 501, and all applicable case law relating to the administration of express trusts for charitable, educational, religious, and other public uses. Trust funds may be expended as provided in section 298.293 only to the extent that those expenditures are consistent with the obligations and responsibilities of the trustees.

Subd. 3. [BENEFICIARIES OF EXPRESS TRUST.] All residents of the tax relief area defined by section 273.71 are declared to be beneficiaries of the trust created in subdivision 2, and are jointly and severally granted a cause of action against the trustees to defend the trust against any breach of fiduciary responsibility. For the purposes of this section, "resident" means any person eligible to vote within the area of operation in the election preceding the initiation of an action against the trustees."

Renumber accordingly

Amend the title accordingly

Correct internal references accordingly

The question was taken on the Thiede amendment and the roll was called. There were 41 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Bennett	Carlson, D.	Forsythe	Gruenes	Haukoos
Blatz	Clausnitzer	Frederick	Gutknecht	Heap
Burger	Dempsey	Frerichs	Hartle	Himle

Hugoson	Miller	Quist	Stanius	Valento
Johnson, V.	Morrison	Rose	Sviggun	Waltman
Knickerbocker	Olsen, S.	Schafer	Thiede	
McDonald	Omann	Schreiber	Tjornhom	
McKasy	Onnen	Seaberg	Tompkins	
McPherson	Poppenhagen	Shaver	Uphus	

Those who voted in the negative were:

Anderson, G.	Jaros	Long	Otis	Skoglund
Anderson, R.	Jefferson	Marsh	Pappas	Solberg
Battaglia	Jennings	McEachern	Pelowski	Sparby
Bauerly	Jensen	McLaughlin	Peterson	Steensma
Beard	Johnson, A.	Milbert	Price	Trimble
Begich	Johnson, R.	Minne	Quinn	Tunheim
Bertram	Kahn	Munger	Reding	Vanasek
Brown	Kalis	Murphy	Rest	Vellenga
Carlson, L.	Kelly	Nelson, C.	Rice	Wagenius
Carruthers	Kelso	Nelson, D.	Riveness	Welle
Clark	Kludt	Nelson, K.	Rodosovich	Wenzel
Cooper	Knuth	O'Connor	Rukavina	Wynia
Dauner	Kostohryz	Ogren	Sarna	Spk. Norton
DeBlicke	Krueger	Olson, E.	Scheid	
Dorn	Larsen	Olson, K.	Schoenfeld	
Greenfield	Lasley	Orenstein	Segal	
Jacobs	Lieder	Osthoff	Simoneau	

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

Carlson, D., moved to amend H. F. No. 92, the first engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1986, section 298.28, subdivision 11, is amended to read:

Subd. 11. [REMAINDER.] (a) The proceeds of the tax imposed by section 298.24 which remain after the distributions and payments in subdivisions 2 to 10, as certified by the commissioner of revenue, and paragraphs (b) and (c) have been made, together with interest earned on all money distributed under this section prior to distribution, shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: Two thirds to the taconite environmental protection fund and one third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts paid into a special taconite municipal aid account to be administered by the commissioner of revenue. The proceeds of this account (1) shall be paid to the commissioner in the amounts necessary to satisfy the outstanding legal obligations of the northeast Minnesota economic protection trust fund and the taconite environmental trust fund as provided by section 6; and (2) the remainder shall be paid annually on the dates provided in section 477A.015, to each municipality that satisfies the requirements of section 273.134, clause (1) or (2) on a

per capita basis. The amounts paid to municipalities under clause (2) shall be deducted in computing the municipality's property tax levy and levy limits.

(b) There shall be distributed to each city, town, school district, and county the amount that it received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake county and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake county and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(c) There shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22. The amount distributed under this paragraph shall be expended within or for the benefit of the tax relief area defined in section 273.134."

Page 4, after line 29, insert:

**"Sec. 6. [TRANSITION; OBLIGATIONS OF THE TACONITE ENVIRONMENTAL PROTECTION AND ECONOMIC PROTECTION FUNDS.]**

Any legal binding contract requiring the taconite environmental protection and economic protection funds to pay moneys to a third party is effective and continues until satisfied, if the contract was entered into prior to July 1, 1988. The amounts necessary to satisfy these obligations must be paid by the commissioner of revenue out of the special taconite municipal aids account established under section 1 to the commissioner of iron range resources and rehabilitation. Upon repeal of the funds as provided in section 7, paragraph (b), the amounts remaining in the fund are transferred to the commissioner of revenue for deposit in the special taconite municipal aids account. The amounts transferred may not be distributed to municipalities under Minnesota Statutes, section 298.28, subdivision 11(a)(2) until the commissioner of iron range resources and rehabilitation certifies that the amounts are not needed to meet outstanding obligations of the funds.

**Sec. 7. [INSTRUCTION TO REVISOR.]**

In the 1988 edition of the Minnesota Statutes, the revisor of statutes shall replace all references, including statutory cross references, to the taconite environmental protection fund and the Minnesota northeast economic protection fund, with references to the special taconite municipal aid account created under section 1 and to the appropriate statutory section."



Renumber the sections

Page 4, line 31, before "Laws" insert "(a)"

Page 4, after line 31, insert:

"(b) Minnesota Statutes, sections 298.222; 298.223; 298.224; 298.225; 298.226; 298.28, subdivision 7; 298.291; 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298 are repealed."

Page 4, line 33, after "1" insert "and 8, paragraph (b) are effective July 1, 1988. Sections 2"

Page 4, line 33, after "5" insert "and 8, paragraph (a)"

Further amend the title:

Page 1, line 3, after the semicolon, insert "eliminating the taconite environmental protection fund and the northeast Minnesota economic protection fund; providing for distribution of the production tax revenues as municipal aids;"

Page 1, line 4, after "sections" insert "298.28, subdivision 11;"

Page 1, line 5, after "repealing" insert "Minnesota Statutes, sections 298.222; 298.223; 298.224; 298.225; 298.226; 298.28, subdivision 7; 298.291; 298.292; 298.293; 298.294; 298.296; 298.297; and 298.298; and"

The question was taken on the Carlson, D., amendment and the roll was called. There were 43 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Hugoson	Omann	Stanius
Bennett	Frederick	Knickerbocker	Onnen	Svigggum
Bishop	Frerichs	Marsh	Pauly	Thiede
Blatz	Gruenes	McDonald	Quist	Tjornhom
Burger	Gutknecht	McKasy	Rose	Uphus
Carlson, D.	Hartle	McPherson	Schafer	Valento
Clausnitzer	Haukoos	Miller	Schreiber	Waltman
Dempsey	Heap	Morrison	Seaberg	
Dille	Himle	Olsen, S.	Shaver	

Those who voted in the negative were:

Anderson, G.	Carruthers	Jaros	Kelly	Lieder
Battaglia	Clark	Jefferson	Kelso	Long
Bauerly	Cooper	Jennings	Kludt	McEachern
Beard	Dauner	Jensen	Knuth	McLaughlin
Begich	DeBlicck	Johnson, A.	Kostohryz	Milbert
Bertram	Dorn	Johnson, R.	Krueger	Minne
Brown	Greenfield	Kahn	Larsen	Munger
Carlson, L.	Jacobs	Kalis	Lasley	Murphy

Nelson, C.	Osthoff	Rest	Solberg	Wagenius
Nelson, D.	Otis	Riveness	Sparby	Welle
Nelson, K.	Pappas	Rodosovich	Steensma	Wenzel
O'Connor	Pelowski	Rukavina	Tompkins	Wynia
Ogren	Peterson	Sarna	Trimble	Spk. Norton
Olson, E.	Price	Scheid	Tunheim	
Olson, K.	Quinn	Schoenfeld	Vanasek	
Orenstein	Reding	Skoglund	Vellenga	

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

#### ADJOURNMENT

Vanasek moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 19, 1987. The motion prevailed.

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 19, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives