

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1987

## THIRTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 22, 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 Harold Biederman, United Methodist Church, Worthington, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. 624, 1069, 1187, 674, 1070, 1278, 730, 929, 1071, 1511 and 401 and S. F. Nos. 494, 737, 793, 1349, 250, 916, 1015 and 456 have been placed in the members' files.

S. F. No. 793 and H. F. No. 845, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Begich moved that S. F. No. 793 be substituted for H. F. No. 845 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1015 and H. F. No. 1155, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Begich moved that S. F. No. 1015 be substituted for H. F. No. 1155 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 16, 1987

The Honorable Fred C. Norton  
Speaker of the House of Representatives  
The State of Minnesota

Dear Sir:

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

H. F. No. 11, relating to state land; allowing the private sale of a certain tract in St. Louis county.

H. F. No. 23, relating to health; requiring hospitals to establish a protocol to obtain organs for transplantation; proposing coding for new law in Minnesota Statutes, chapter 525.

H. F. No. 202, relating to corporations; providing for modification of the personal liability of directors of certain corporations and fraternal benefit societies; authorizing certain advances by fraternal benefit societies; amending Minnesota Statutes 1986, sections 64B.08, by adding subdivisions; 300.45; and 300.64, by adding a subdivision.

H. F. No. 348, relating to state lands; allowing the private sale of certain land in Cook county.

H. F. No. 400, relating to game and fish; authorizing commissioner to allow a person to take two deer; amending Minnesota Statutes 1986, section 97B.301, subdivision 4.

H. F. No. 424, 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.

Sincerely,

RUDY PERPICH  
Governor

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

April 17, 1987

The Honorable Fred C. Norton  
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 1987 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.</i> No.	<i>H.F.</i> No.	<i>Session, Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1987	<i>Date Filed</i> 1987
128		27	April 16, 1987	April 17, 1987
279		28	April 16, 1987	April 17, 1987
291		29	April 16, 1987	April 17, 1987
403		30	April 16, 1987	April 17, 1987
	11	31	April 16, 1987	April 17, 1987
	23	32	April 16, 1987	April 17, 1987
	202	33	April 16, 1987	April 17, 1987
	348	34	April 16, 1987	April 17, 1987
	400	35	April 16, 1987	April 17, 1987
	424	36	April 16, 1987	April 17, 1987

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 511, A bill for an act relating to appropriations; appropriating money for demonstration project involving production of butanol and ethanol from sweet sorghum.

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 733, A bill for an act relating to transportation; authorizing special permits for 110-foot vehicle combinations to operate outside the metropolitan area on interstate highways; setting a fee for the permit; providing for the modification of certain interchanges, streets, and highways; amending Minnesota Statutes 1986, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, line 5, delete "\$15" and insert "\$30"

Page 5, line 34, after "at" insert "a rest area or"

Page 6, line 4, after "highway" insert "rest area or"

Page 6, line 8, after the first "the" insert "rest area or"

Page 6, line 10, delete "An" and insert "A rest area or"

Page 6, line 11, after the first "the" insert "rest area or"

Page 6, line 17, delete "two" and insert "four rest areas and three"

Page 6, line 18, delete "before July 1, 1988"

Page 6, line 22, delete "must"

Page 6, delete lines 23 to 28 and insert "and the commissioner may enter into an agreement that specifies the nature of modifications to the intersecting highway and entry points needed to allow their safe use by permitted combinations. The agreement may include a provision under which the commissioner will pay the costs of the modification."

Page 7, after line 10, insert:

"(h) A permit under this subdivision must require that a three-vehicle combination operating under it must, while on an interstate highway:

(1) travel in the extreme right-hand lane except to pass another vehicle or to allow for merging traffic;

(2) travel at a speed not exceeding 55 miles per hour; and

(3) display on the back of the rearmost vehicle of the combination a "long load" sign of a size specified in the permit.

(i) No permit under this section may be issued before the day the first designation of an interchange is made under paragraph (d), or after June 30 of the third year following the year in which that designation is made.

Sec. 4. [STUDY REQUIRED.]

The commissioner shall conduct a study of the three-vehicle combinations permitted under section 3. The study must include, but is not limited to:

(a) the revenue impact of permitting the three-vehicle combinations;

(b) the costs of modifications to rest areas, interchanges, intersecting highways, and access points;

(c) the economic benefits to industry and the state economy;

(d) the accident experience of three-vehicle combinations;

(e) the amount of damage to pavements, bridges, and highway appurtenances caused or relieved by the use of three-vehicle combinations;

(f) the effects of permitting three-vehicle combinations on the state's exposure to tort liability;

(g) the degree of public acceptance of three-vehicle combinations.

The commissioner shall report to the chairs of the transportation committees of the senate and house of representatives on the results of the study not later than January 1 of the third year following the year in which the first designation of an interchange is made under section 3."

Renumber the remaining section

Page 7, line 12, delete "3" and insert "4"

Amend the title as follows:

Page 1, line 6, after "certain" insert "rest areas,"

Page 1, line 7, after the semicolon insert "providing for a study of three-vehicle combinations;"

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1375, A bill for an act relating to alcoholic beverages; restricting sales to tax delinquent licensees; limiting imports by individuals; maximum volume for volume prices; purchases by delinquent licensees; restricting employment of minors in nonintoxicating liquor premises; repealing nondiscriminatory price

law; amending Minnesota Statutes 1986, sections 297A.151, subdivisions 2 and 3; 297C.09; 340A.302, subdivision 1; 340A.312, subdivision 2; 340A.318, subdivisions 1 and 3; and 340A.411, by adding a subdivision; repealing Minnesota Statutes 1986, section 340A.307, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 297C.09, is amended to read:

297C.09 [IMPORTATION BY INDIVIDUALS.]

A person, other than a person under the age of 19 21 years, entering Minnesota from another state may have in possession one liter of intoxicating liquor or 288 ounces of malt liquor and a person entering Minnesota from a foreign country may have in possession four liters of intoxicating liquor or ten quarts (320 ounces) of malt liquor without the required payment of the Minnesota excise tax. Amounts in excess of these quantities may be imported only by a licensee holding the appropriate license as manufacturer, wholesaler, or importer under section 340A.301 or 340A.302. A collector of commemorative bottles, other than a person under the age of 19 21 years, entering Minnesota from another state may have in possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. A person who imports or has in possession untaxed intoxicating liquor or malt liquor in excess of the quantities provided for in this section is guilty of a misdemeanor. This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the commissioner of public safety or to common carriers with licenses to sell intoxicating liquor in more than one state. A peace officer, the commissioner, or their authorized agents, may seize untaxed liquor.

Sec. 2. Minnesota Statutes 1986, section 340A.302, subdivision 1, is amended to read:

Subdivision 1. [LICENSES REQUIRED.] Except as provided in section sections 297C.09 and 340A.301, subdivision 1, no retailer or other person may ship or cause to be shipped alcoholic beverages or ethyl alcohol for personal use or to a licensed manufacturer or wholesaler without obtaining an importer's license from the commissioner.

Sec. 3. Minnesota Statutes 1986, section 340A.308, is amended to read:

## 340A.308 [PROHIBITED TRANSACTIONS.]

(a) No brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

- (1) give, or lend money, credit, or other thing of value to a retailer;
- (2) give, lend, lease, or sell furnishing or equipment to a retailer;
- (3) have an interest in a retail license; or
- (4) be bound for the repayment of a loan to a retailer.

(b) This section does not prohibit a manufacturer or wholesaler from:

(1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$100 excluding installation and repair costs;

(2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$100 in a year;

(3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;

(4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or nonintoxicating malt liquor at retail; or

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only.

Sec. 4. Minnesota Statutes 1986, section 340A.312, subdivision 2, is amended to read:

Subd. 2. [VOLUME PRICES.] A variable volume price offered by a wholesaler to a licensed retailer on sales of distilled spirits or wine may not be for a quantity of more than ~~300 one-liter or smaller bottles~~ 25 cases.

Sec. 5. Minnesota Statutes 1986, section 340A.318, subdivision 2, is amended to read:

Subd. 2. [REPORTING.] Every distiller, manufacturer or wholesaler selling to retailers shall submit to the commissioner in triplicate not later than Thursday of each calendar week a verified



list of the names and addresses of each retail licensee purchasing distilled spirits or wine from that distiller, manufacturer or wholesaler who, on the first day of that calendar week, was delinquent beyond the 30-day period, or a verified statement that no delinquencies exist which are required to be reported. The name and address of each retail licensee who makes payment with a postdated check, or a check that is dishonored on presentment, must also be submitted to the commissioner at that time. If a retail licensee previously reported as delinquent cures the delinquency by payment, the name and address of that licensee shall be submitted in triplicate to the commissioner not later than the close of the second full business day following the day the delinquency was cured.

Sec. 6. Minnesota Statutes 1986, section 340A.318, subdivision 3, is amended to read:

Subd. 3. [POSTING; NOTICE.] Verified list or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection and mailed to each licensed wholesaler not later than the day following receipt. Documents so posted and mailed shall constitute notice to every distiller, manufacturer or wholesaler of the information posted. Actual notice, however received, also constitutes notice.

Sec. 7. Minnesota Statutes 1986, section 340A.318, subdivision 4, is amended to read:

Subd. 4. [MISCELLANEOUS PROVISIONS.] The 30-day merchandising period allowed by this section shall commence with the day immediately following the date of invoice and shall include all successive days, including Sundays and holidays, to and including the 30th successive day. In addition to other legal methods, payment by check during the period for which merchandising credit may be extended shall be considered payment. All checks received in payment for distilled spirits or wine shall be deposited promptly for collection. A postdated check or a check dishonored on presentation for payment does not constitute payment. A retail licensee shall not be deemed delinquent for any alleged sale in any instance where there exists a bona fide dispute between the licensee and the distiller, manufacturer or wholesaler as to the amount owing as a result of the alleged sale. A delinquent retail licensee who engages in the retail liquor business at two or more locations shall be deemed to be delinquent with respect to each location. A retail licensee who engages in the retail liquor business at two or more locations means "a person or group of persons possessing 50 percent or more ownership in two or more locations."

Sec. 8. Minnesota Statutes 1986, section 340A.404, is amended by adding a subdivision to read:

Subd. 6a. [SEASONAL LICENSES; COUNTIES.] A county may issue seasonal on-sale intoxicating liquor licenses of periods specified in the licenses, which may not exceed six months, or in the case of Lake county, nine months. The county board shall determine the fee for such a license. Not more than one seasonal on-sale license may be issued to any one premises in any 12-month period.

Sec. 9. Minnesota Statutes 1986, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine ~~or~~, Kanabec, or Red Lake counties within three miles of a statutory or home rule city with a municipal liquor store.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b prior to January 1, 1985.

Sec. 10. Minnesota Statutes 1986, section 340A.405, is amended by adding a subdivision to read:

Subd. 4. [TEMPORARY OFF-SALE LICENSES; WINE AUCTIONS.] (a) The governing body of a city may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Sec. 11. Minnesota Statutes 1986, section 340A.412, subdivision 10, is amended to read:

Subd. 10. [EMPLOYMENT OF MINORS.] No person under 18 years of age may be employed in a place where intoxicating liquor is sold for consumption on the premises, except persons under 18 years of age may be employed as musicians or in bussing or washing dishes in a restaurant or hotel that is licensed to sell intoxicating liquor and may be employed as waiters or waitresses at a restaurant, hotel, or motel where only wine is sold, provided that the person under the age of 18 may not serve or sell any wine serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

Sec. 12. Minnesota Statutes 1986, section 340A.415, is amended to read:

#### 340A.415 [LICENSE REVOCATION OR SUSPENSION.]

The authority issuing or approving any retail license or permit under this chapter shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages. No suspension or revocation takes effect until the license or permit holder has been afforded an

opportunity for a hearing under sections 14.57 to 14.70 of the administrative procedure act. The issuing authority or the commissioner may impose the penalties provided in this section on a retail licensee who knowingly sells alcoholic beverages to another retail licensee for the purpose of resale, or on a retail licensee who purchases alcoholic beverages from another retail licensee for the purpose of resale.

Sec. 13. [340A.907] [INSPECTION.]

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer.

Sec. 14. [REPEALER.]

Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; 34.14; 340A.307, subdivision 3; and 340A.313, are repealed.

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; limiting imports by individuals; permitting certain transactions between brewers and wholesalers; specifying limits on variable volume prices; providing for notice of credit-delinquent retailers; authorizing counties to issue seasonal on-sale licenses; specifying counties which may issue licenses in certain locations; permitting wine auctions; setting minimum age to sell or serve alcoholic beverages; specifying who may impose administrative penalties for certain violations by retailers; authorizing inspections of licensed premises by the commissioner of public safety; repealing affirmation law, wholesale price filing, and percentage requirements for malt barley in beer; amending Minnesota Statutes 1986, sections 297C.09; 340A.302, subdivision 1; 340A.308; 340A.312, subdivision 2; 340A.318, subdivisions 2, 3, and 4; 340A.404, by adding a subdivision; 340A.405, subdivision 2, and by adding a subdivision; 340A.412, subdivision 10; 340A.415; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1986, section 34.119; 34.12; 34.13; 34.14; 340A.307, subdivision 3; and 340A.313."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1393, A bill for an act relating to business corporations; regulating mergers and exchanges; amending Minnesota Statutes 1986, sections 302A.471, subdivisions 1 and 3; 302A.601, subdivision 2; 302A.611; 302A.613; 302A.615; 302A.631; and 302A.641, subdivision 1.

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

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 1495, A bill for an act relating to liquor; authorizing the city of Little Falls to issue a temporary on-sale intoxicating liquor license.

Reported the same back with the following amendments:

Page 1, line 13, delete "1978" and insert "1987"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 89, A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 336.9-501; 550.365; 559.209; 581.015; 583.22, subdivisions 2 and 8, and by adding a subdivision; 583.24, subdivisions 1, 3; and by adding a subdivision; 583.26, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, and by adding a subdivision; 583.27, subdivisions 1, 3, and 4; 583.28; and 583.285; proposing coding for new law in Minnesota Statutes, chapter 583.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325G.221] [DEFICIENCY JUDGMENTS ON AGRICULTURAL PERSONAL PROPERTY.]

Subdivision 1. [STATUTE OF LIMITATIONS ON EXECUTING JUDGMENT.] A deficiency judgment on personal property used in agricultural production may be enforced by execution, but the judgment may not be executed after three years from the date judgment was entered.

Subd. 2. [ATTACHMENT OF PERSONAL PROPERTY AFTER JUDGMENT IS ENTERED.] A deficiency judgment obtained to enforce a debt on personal property used in agricultural production does not attach to real or personal property that is acquired by the debtor after the judgment is entered.

Sec. 2. [514.661] [LIEN FOR RENTAL VALUE OF FARM MACHINERY DURING MEDIATION.]

If a person or entity owed a debt secured by a perfected or unperfected security interest in seasonal use machinery is required to mediate and engages in mediation under sections 583.20 to 583.32 as a result of a debtor's default on a purchase or loan contract, the secured party may file a lien on the crops produced by the debtor in the calendar year in which mediation occurs. The lien is limited to the reasonable rental value of seasonal use machinery which is used for field operation during the mediation period. The lien provided under this section is perfected by the secured party if filed during mediation or within 30 days after the conclusion of mediation. The lien provided under this section has priority over all other liens or security interests in crops produced by the debtor during the calendar year in which mediation occurs. "Reasonable rental value" must be no more than the rental value of machinery of like capacity and age as determined by the director of the University of Minnesota extension service and is limited to the tachometer time during which or the acreage for which the machinery is used during the mediation period.

The definition of "seasonal use machinery" in section 6 applies to this section.

A lien created and perfected under this section is exempt from sections 583.20 to 583.32 and is effective against crops growing or to be grown by the debtor in the calendar year.

The principal amount of debt secured by seasonal use machinery must be reduced by an amount equal to any amount paid in satisfaction of a lien created under this section, less interest accrued on the debt during mediation.

Sec. 3. Minnesota Statutes 1986, section 559.209, is amended by adding a subdivision to read:

Subd. 1a. If a contract for deed vendor who is a natural person is required to mediate and engages in mediation under sections 583.20

to 583.32 as a result of a purchaser's default on the contract, the vendor acquires the status of a landlord and may file a lien under section 514.960 for the reasonable rental value of the property during the mediation period as mutually determined by the vendor and the vendee or by district court. The lien provided under this subdivision is perfected by the vendor if filed during mediation or within 30 days after the conclusion of mediation notwithstanding the requirement of section 514.960, subdivision 2, that the lien be filed within 30 days after the crops become growing crops. The rental period under this section must not exceed the period in which the vendor's remedies are stayed under sections 583.20 to 583.32. Payments acquired through a lien created under this subdivision must be applied according to the terms of the contract.

A lien created under this section and filed under section 514.960 is exempt from sections 583.20 to 583.32 and effective against any crops growing or to be grown regardless of ownership.

Sec. 4. Minnesota Statutes 1986, section 580.031, is amended to read:

**580.031 [MINIMUM NOTICE.]**

Notwithstanding the provisions of any other law to the contrary, eight weeks' published notice must be given prior to the foreclosure sale of a homestead to which the provisions of chapter 583 apply if the notice is published for the first time after May 24, 1983 and prior to May 1, 1985 or after June 8, 1985, and prior to ~~May 1, 1987~~ June 30, 1989. The notice must contain the information specified in section 580.04.

At least eight weeks before the appointed time of sale, a copy of the notice must be served upon the person in possession of the mortgaged premises, if the premises are actually occupied.

Sec. 5. Minnesota Statutes 1986, section 583.22, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL PROPERTY.] "Agricultural property" means real property that is principally used for farming as defined in section 500.24, subdivision 2, paragraph (a), and raising poultry, and personal property that is used as security to finance a farm operation or used as part of a farm operation including equipment, crops, livestock, removable agricultural structures under lease with option to purchase, and proceeds of the security. "Agricultural property" does not include personal property that is subject to a possessory lien under sections 514.18 to 514.22 or the property, other than removable agricultural structures under lease with option to purchase, that is leased to the debtor.

Sec. 6. Minnesota Statutes 1986, chapter 583.22, is amended by adding a subdivision to read:

Subd. 9. [SEASONAL USE MACHINERY.] "Seasonal use machinery" means machinery, equipment, or implements used exclusively for planting, for row crop cultivating, or for harvesting. Seasonal use machinery does not include a tractor, tillage equipment, or utility implements used for general farm purposes.

Sec. 7. Minnesota Statutes 1986, section 583.24, subdivision 1, is amended to read:

Subdivision 1. [CREDITORS.] (a) The farmer-lender mediation act applies to creditors who are owed debts subject to the farmer-lender mediation act and are:

- (1) the United States or an agency of the United States;
- (2) corporations, partnerships, and other business entities; and
- (3) individuals.

(b) The farmer-lender mediation act does not apply to creditors of a debtor described under subdivision 2, paragraph (b).

Sec. 8. Minnesota Statutes 1986, section 583.24, is amended by adding a subdivision to read:

Subd. 4. [DEBTS NOT COVERED.] The farmer-lender mediation act does not apply to a debt:

(1) for which a proof of claim form has been filed in bankruptcy by a creditor or that was listed as a scheduled debt of a debtor who has filed a petition in bankruptcy after the effective date of this section under United States Code, title 11, chapter 7, 11, 12, or 13; or

(2) for which a creditor has received a mediation proceeding notice and the creditor and debtor have signed a mediation agreement.

Sec. 9. Minnesota Statutes 1986, section 583.26, subdivision 3, is amended to read:

Subd. 3. [CREDIT FINANCIAL ANALYST AND FARM ADVOCATE.] (a) Within three business days after receiving a mediation notice, the director shall provide a credit financial analyst knowledgeable in agricultural and financial matters to meet with the debtor and assure that information relative to the finances of the debtor is prepared for the initial mediation meeting. If necessary, the financial analyst shall assist the debtor in preparing a current balance sheet, a current inventory of farm assets, and input forms



for a cash flow analysis developed through the use of a FINPAC or similar cash flow analysis computer program.

(b) After receiving the mediation notice, the director shall notify supply the debtor that with a list of farm advocate advocates that may be available without charge to assist the debtor and the credit financial analyst.

Sec. 10. Minnesota Statutes 1986, section 583.26, is amended by adding a subdivision to read:

Subd. 3a. [ORIENTATION SESSION.] The director shall schedule an orientation session to be held at least five days before the first mediation meeting. The debtor, the financial analyst, and a mediator shall participate in the orientation session. The mediator at the session need not be the one assigned to the mediation proceeding under subdivision 4. Creditors participating in the mediation may participate in the orientation session. At the orientation session, the financial analyst shall review the debtor's financial records to determine if they are adequate for the mediation and inform the debtor of any inadequacies, and the mediator shall inform the debtor of the requirements of the mediation process.

Sec. 11. Minnesota Statutes 1986, section 583.26, subdivision 4, is amended to read:

Subd. 4. [INITIAL MEDIATION MEETING.] (a) By ten five business days after receiving a mediation request, the director shall send: (1) a mediation meeting notice to the debtor; and (2) a mediation meeting notice to all creditors listed by the debtor in the mediation request; and (3) a claim form to all known secured creditors of listed by the debtor.

(b) The mediation meeting notice must include a time and place for an initial mediation meeting between the debtor, all known creditors of the debtor, and a list of three mediators: state:

(1) the name and address of the debtor;

(2) that the debtor has requested mediation under the farmer-lender mediation act;

(3) the time and place for the orientation session;

(4) the time and place for the initial mediation meeting;

(5) a list of the names of three mediators that may be assigned to the proceeding, along with background information on those mediators including biographical information, a summary of previous

mediation experience, and the number of agreements signed by parties to previous mediation;

(6) that the debtor and the initiating creditor may each request the director to exclude one mediator by notifying the director within three days after receiving the notice;

(7) that the farmer-lender mediation act prohibits the creditor from beginning or continuing a proceeding to enforce the debt against agricultural property for 90 days after the initiation of mediation unless otherwise allowed; and

(8) that the creditor must provide the debtor by the orientation session with copies of notes and contracts for debts subject to the farmer-lender mediation act and provide a statement of interest rates on the debts, delinquent payments, unpaid principal and interest balances, the creditor's value of the collateral, and debt restructuring programs available by the creditor.

(c) An initial mediation meeting must be held within 20 days of the notice.

(e) Each (d) The initiating creditor and the debtor may each request the director to exclude one mediator from the list by sending the director a notice to such effect exclude the mediator within three days after receiving the mediation meeting notice. In the event that requests from the creditors to remove mediators from the list would result in the exclusion of all of the remaining mediators the director shall appoint the mediator not excluded by the creditor owed the largest debt. In the event that a debtor and creditor request the same mediator, the director shall appoint that mediator.

Sec. 12. Minnesota Statutes 1986, section 583.26, subdivision 5, is amended to read:

Subd. 5. [EFFECT OF MEDIATION MEETING NOTICE.] (a) Except as provided in paragraph (b), if a creditor receives a mediation meeting notice under subdivision 4 the creditor and the creditor's successors in interest may not continue proceedings to enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 90 days after the initiation of mediation debtor files a mediation request with the director, or (2) a mediation agreement is reached.

(b) If a creditor is an agency of the United States and receives a mediation meeting notice under subdivision 4, the creditor and the creditor's successors in interest may not continue proceedings to

enforce a debt against agricultural property of the debtor under chapter 580 or 581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property. Time periods under and affecting those procedures stop running until (1) 180 days after the initiation of mediation debtor files a mediation request with the director, or (2) a mediation agreement is reached.

Sec. 13. Minnesota Statutes 1986, section 583.26, is amended by adding a subdivision to read:

Subd. 10. [END OF MEDIATION.] (a) The mediator shall sign and deliver by certified mail to the parties and the director a termination statement at the end of the time period specified in subdivision 5.

(b) The mediator shall prepare a termination statement that:

(1) acknowledges that mediation has ended; and

(2) describes or references agreements reached between a creditor and the debtor, if any, and agreements reached among creditors, if any.

(c) Mediation agreements may be included as part of the termination statement.

Sec. 14. Minnesota Statutes 1986, section 583.27, subdivision 3, is amended to read:

Subd. 3. [CREDITOR'S LACK OF GOOD FAITH; COURT SUPERVISED MEDIATION.] If the mediator finds the creditor has not participated in mediation in good faith, the debtor may require court supervised mandatory mediation by filing the affidavit with the district court of the county where the property is located of the debtor's residence with a request for court supervision of mediation and serving a copy of the request on the creditor. Upon request the court shall require both parties to mediate under the supervision of the court in good faith for a period of not more than 60 days. All creditor remedies must be suspended during this period. The court may issue orders necessary to effect good faith mediation. Following the mediation period, if the court finds the creditor has not participated in mediation in good faith, the court shall by order suspend the creditor's remedies for an additional period of 180 days. A creditor found by the mediator not to have participated in good faith shall pay attorneys' fees and costs of the debtor requesting court-supervision of mediation or additional suspension of creditor's remedies.

Sec. 15. Minnesota Statutes 1986, section 583.27, subdivision 4, is amended to read:

Subd. 4. [DEBTOR LACK OF GOOD FAITH.] (a) A debtor is not mediating in good faith if the debtor defrauds, conceals, removes, or transfers agricultural property in which the debtor knows there is a security interest, if the concealing, removing, or transferring violates a security agreement without remitting the proceeds to the secured party.

(b) A creditor may immediately proceed with creditor's remedies upon receipt of a mediator's affidavit of a debtor's lack of good faith notwithstanding any other requirements of sections 583.20 to 583.32.

Sec. 16. Minnesota Statutes 1986, section 583.27, is amended by adding a subdivision to read:

Subd. 5. [INSPECTION OF COLLATERAL.] After a debtor requests mediation under section 583.26, subdivision 2, a creditor who is participating in the mediation and who has a security agreement relating to agricultural property under the debtor's control may inspect the secured agricultural property during normal business hours on 24 hours' notice to the debtor. For purposes of this subdivision, "normal business hours" means 8:00 a.m. to 6:00 p.m. Monday through Friday but excludes official Minnesota and United States holidays.

Failure to permit this inspection by the creditor, or destruction or waste of the property securing the debt, is evidence of the debtor's lack of good faith under subdivision 1, clause (6).

Sec. 17. [583.284] [RETENTION OF PURCHASE MONEY SECURITY INTEREST.]

If a creditor has a purchase money security interest as defined in section 336.9-107, and renegotiates the debt under the farmer-lender mediation act to reduce the principal balance or the interest rate or to extend the repayment period, the creditor retains the purchase money security interest for the renegotiated debt.

Sec. 18. [583.305] [PROHIBITED WAIVERS.]

A lender may not require a borrower to waive rights under the farmer-lender mediation act as a condition for making a loan. Any such waiver of rights under the farmer-lender mediation act since March 21, 1986, is void.

Sec. 19. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, as amended by Laws 1985, chapter 306, section 26, is amended to read:

Sec. 16. [REPEALER.]

Sections 1 to 15 are repealed effective July 1, ~~1987~~ 1989, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 20. Laws 1986, chapter 398, article 1, section 18, is amended to read:

Sec. 18. [REPEALER.]

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), are repealed on July 1, ~~1988~~ 1989.

Sec. 21. [REPEALER.]

Minnesota Statutes 1986, section 583.24, subdivision 3, is repealed.

Sec. 22. [EFFECTIVE DATE.]

This act is effective July 1, 1987.

Delete the title and insert:

“A bill for an act relating to agriculture; clarifying and amending the farmer-lender mediation act; amending Minnesota Statutes 1986, sections 559.209, by adding a subdivision; 580.031; 583.22, subdivision 2, and by adding a subdivision; 583.24, subdivision 1, and by adding a subdivision; 583.26, subdivisions 3, 4, 5, and by adding subdivisions; 583.27, subdivisions 3, 4, and by adding a subdivision; Laws 1983, chapter 215, section 16, as amended; and Laws 1986, chapter 398, article 1, section 18; proposing coding for new law in Minnesota Statutes, chapters 325G; 514; and 583; repealing Minnesota Statutes 1986, section 583.24, subdivision 3.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 157, A bill for an act relating to property interests; enacting the uniform statutory rule against perpetuities; amending Minnesota Statutes 1986, section 500.17, subdivision 2; proposing

coding for new law as Minnesota Statutes, chapter 501A; repealing Minnesota Statutes 1986, section 500.13.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 324, A bill for an act relating to traffic regulations; removing exemptions regarding alcohol-or controlled substance-related activities of persons engaged in work upon the highway; amending Minnesota Statutes 1986, section 169.03, subdivision 6.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 365, A bill for an act relating to search and seizure; requiring enforcement officers to have probable cause before entering certain buildings to determine whether wild animals are stored in compliance with the game and fish laws; amending Minnesota Statutes 1986, section 97A.215, subdivision 1.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

S. F. No. 406, A bill for an act relating to commerce; regulating the distribution and sale of motor vehicles; limiting the granting or relocating of certain franchises; specifying the circumstances to be considered; removing certain regulations on nonrenewals; amending Minnesota Statutes 1986, section 80E.14, subdivisions 1 and 2; repealing Minnesota Statutes 1986, section 80E.10.

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

The report was adopted.

Osthoff from the Committee on Metropolitan Affairs to which was referred:

S. F. No. 420, A bill for an act relating to crimes; metropolitan transit; authorizing peace officers hired by the metropolitan transit commission to make arrests within the metropolitan area; amending Minnesota Statutes 1986, section 629.40, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1986, section 352.01, subdivision 2B, is amended to read:

Subd. 2B. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of state employee:

- (1) elective state officers;
- (2) students employed by the University of Minnesota, the state universities, and community colleges unless approved for coverage by the board of regents, the state university board or the state board for community colleges, as the case may be;
- (3) employees who are eligible to membership in the state teachers retirement association except employees of the department of education who have elected or may elect to be covered by the Minnesota state retirement system instead of the teachers retirement association;
- (4) employees of the University of Minnesota who are excluded from coverage by action of the board of regents;
- (5) officers and enlisted personnel in the national guard and the naval militia and such as are assigned to permanent peacetime duty who pursuant to federal law are or are required to be members of a federal retirement system;
- (6) election officers;
- (7) persons engaged in public work for the state but employed by contractors when the performance of the contract is authorized by the legislature or other competent authority;
- (8) officers and employees of the senate and house of representatives or legislative committee or commission who are temporarily employed;

(9) all courts and court employees, referees, receivers, jurors, and notaries public, except employees of the appellate courts and referees and adjusters employed by the department of labor and industry;

(10) patient and inmate help in state charitable, penal and correctional institutions including the Minnesota veterans home;

(11) persons employed for professional services where the service is incidental to regular professional duties and whose compensation is paid on a per diem basis;

(12) employees of the Sibley House Association;

(13) employees of the Grand Army of the Republic and employees of the ladies of the G.A.R.;

(14) operators and drivers employed pursuant to section 16.07, subdivision 4;

(15) the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; the secretary, secretary-treasurer, and treasurer of those boards if their compensation is \$500 or less per year, or, if they are legally prohibited from serving more than two consecutive terms and their total service therefor is required by law to be less than ten years; and the board of managers of the state agricultural society and its treasurer unless the treasurer is also its full-time secretary;

(16) state troopers;

(17) temporary employees of the Minnesota state fair employed on or after July 1 for a period not to extend beyond October 15 of the same year; and persons employed at any time or times by the state fair administration for special events held on the fairgrounds;

(18) emergency employees in the classified service except emergency employees who within the same pay period become provisional or probationary employees on other than a temporary basis, shall be deemed "state employees" retroactively to the beginning of the pay period;

(19) persons described in section 352B.01, subdivision 2, clauses (b) and (c) formerly defined as state police officers;

(20) all temporary employees in the classified service, all temporary employees in the unclassified service appointed for a definite period of not more than six months and employed less than six months in any one-year period and all seasonal help in the classified service employed by the department of revenue;



(21) trainees paid under budget classification number 41, and other trainee employees, except those listed in subdivision 2A, clause (10);

(22) persons whose compensation is paid on a fee basis;

(23) state employees who in any year have credit for 12 months service as teachers in the public schools of the state and as teachers are members of the teachers retirement association or a retirement system in St. Paul, Minneapolis, or Duluth;

(24) employees of the adjutant general employed on an unlimited intermittent or temporary basis in the classified and unclassified service for the support of army and air national guard training facilities;

(25) chaplains and nuns who have taken a vow of poverty as members of a religious order;

(26) labor service employees employed as a laborer 1 on an hourly basis;

(27) examination monitors employed by departments, agencies, commissions, and boards for the purpose of conducting examinations required by law;

(28) members of appeal tribunals, exclusive of the chair, to which reference is made in section 268.10, subdivision 4;

(29) persons appointed to serve as members of fact finding commissions, adjustment panels, arbitrators, or labor referees under the provisions of chapter 179;

(30) temporary employees employed for limited periods of time under any state or federal program for the purpose of training or rehabilitation including persons employed for limited periods of time from areas of economic distress except skilled and supervisory personnel and persons having civil service status covered by the system;

(31) full-time students employed by the Minnesota historical society who are employed intermittently during part of the year and full time during the summer months;

(32) temporary employees, appointed for not more than six months, of the metropolitan council and of any of its statutory boards, the members of which board are appointed by the metropolitan council;

(33) persons employed in positions designated by the department of employee relations as student workers;

(34) any person who is 65 years of age or older when appointed and who does not have allowable service credit for previous employment, unless the employee gives notice to the director within 60 days following appointment that coverage is desired;

(35) members of trades employed by the metropolitan waste control commission with trade union pension plan coverage pursuant to a collective bargaining agreement first employed after June 1, 1977; and

(36) persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal Comprehensive Employment and Training Act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement system to meet the minimum vesting requirements for a deferred annuity, or the employer agrees in writing on forms prescribed by the director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal Comprehensive Employment and Training Act, or the person agrees in writing on forms prescribed by the director to make the required employer contribution in addition to the required employee contribution; and

(37) off-duty peace officers while employed by the metropolitan transit commission under section 2."

Page 1, line 21, delete everything after the period

Page 1, delete lines 22 and 23

Page 1, line 25, delete "1" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 352.01, subdivision 2B; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 1375, 1393 and 1495 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 793, 1015, 89, 157, 324, 365, 406 and 420 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

McEachern introduced:

H. F. No. 1613, A bill for an act relating to education; prohibiting the use of more than a limited number of days during the school year for noninstructional purposes; amending Minnesota Statutes 1986, section 120.10, subdivision 2.

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

Carlson, D., introduced:

H. F. No. 1614, A bill for an act relating to fish; designating muskellunge lakes; amending Minnesota Statutes 1986, section 97C.011.

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

Lasley introduced:

H. F. No. 1615, A bill for an act relating to taxation; restricting the motor vehicle excise tax exemption for vehicles purchased for resale; amending Minnesota Statutes 1986, sections 168.27, subdivision 16; and 297B.035, subdivision 1.

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

Bertram, Bauerly and Welle introduced:

H. F. No. 1616, A bill for an act relating to taxation; requiring a refund of certain taxes paid on property located in Stearns county.

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

DeBlicek and Steensma introduced:

H. F. No. 1617, A bill for an act relating to state land; providing for the transfer of a parcel.

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

DeBlicek, Kostohryz, Beard, Orenstein and Milbert introduced:

H. F. No. 1618, A bill for an act relating to retirement; granting military service credit to certain state employees; proposing coding for new law in Minnesota Statutes, chapter 352.

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

Bertram; Bauerly; Kludt; Nelson, C., and Cooper introduced:

H. F. No. 1619, A bill for an act relating to crimes; defining the crime of using police radios while committing a criminal act; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Wenzel and Brown introduced:

H. F. No. 1620, A bill for an act relating to agriculture; authorizing and requiring a license to use the Minnesota grown label; assessing license fees; providing penalties; amending Minnesota Statutes 1986, section 17.102.

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

McLaughlin introduced:

H. F. No. 1621, A bill for an act relating to unemployment compensation; appropriating federal money received for unemployment compensation administration.

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

### 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. 505, A bill for an act relating to state lands; authorizing conveyance of certain state easement.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 567, A resolution memorializing the President and Congress to give states more authority to regulate interstate pipelines and to improve federal regulation of pipelines.

PATRICK E. FLAHAVEN, Secretary of 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 469 and that the bill be repassed as amended by the Senate. The motion prevailed.

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 third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 114 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Omann

The bill was repassed, as amended by the Senate, and its title agreed to.

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. 554, A bill for an act relating to natural resources; changing certain provisions relating to state park motor vehicle

permits; amending Minnesota Statutes 1986, section 85.05, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rukavina moved that the House refuse to concur in the Senate amendments to H. F. No. 554, that the Speaker appoint a Conference Committee of 3 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 Senate File, herewith transmitted:

S. F. No. 341.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 341, 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.

Skoglund moved that S. F. No. 341 and H. F. No. 454, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

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

Vanasek, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Wednesday, April 22, 1987:

H. F. Nos. 706, 638, 490, 830 and 1147; S. F. No. 1015; H. F. Nos. 1266, 1355, 1362, 142, 228, 464, 521, 654, 909, 1113, 969, 1041, 990 and 1015.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Vanasek, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for Thursday, April 23, 1987:

S. F. No. 793; H. F. Nos. 85, 466, 487, 949 and 945; S. F. No. 94; H. F. Nos. 242, 454 and 291.

CONSENT CALENDAR

H. F. No. 1187 was reported to the House.

Jefferson moved that H. F. No. 1187 be re-referred to the Committee on Governmental Operations. The motion prevailed.

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 third time and placed upon its final passage.

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

Those who voted in the affirmative were:

Anderson, G.	Burger	Forsythe	Jacobs	Kelso
Anderson, R.	Carlson, D.	Frederick	Jaros	Kinkel
Battaglia	Carlson, L.	Frerichs	Jefferson	Kludt
Bauerly	Carruthers	Greenfield	Jennings	Knickerbocker
Beard	Clark	Gruenes	Jensen	Knuth
Begich	Clausnitzer	Gutknecht	Johnson, A.	Kostohryz
Bennett	Cooper	Hartle	Johnson, R.	Krueger
Bertram	Dauner	Haukoos	Johnson, V.	Larsen
Bishop	DeBlicek	Heap	Kahn	Lasley
Blatz	Dempsey	Himle	Kalis	Lieder
Brown	Dorn	Hugoson	Kelly	Long



Marsh	Neuenschwander	Peterson	Scheid	Trimble
McDonald	O'Connor	Poppenhagen	Schoenfeld	Tunheim
McEachern	Ogren	Price	Schreiber	Uphus
McKasy	Olsen, S.	Quinn	Seaberg	Valento
McLaughlin	Olson, E.	Redalen	Segal	Vanasek
McPherson	Olson, K.	Reding	Simoneau	Vellenga
Milbert	Omann	Rest	Skoglund	Voss
Miller	Onnen	Rice	Sparby	Wagenius
Minne	Orenstein	Richter	Stanius	Waltman
Morrison	Osthoff	Riveness	Steensma	Welle
Munger	Otis	Rodosovich	Sviggum	Wenzel
Murphy	Ozment	Rose	Swenson	Winter
Nelson, C.	Pappas	Rukavina	Thiede	Wynia
Nelson, D.	Pauly	Sarna	Tjornhom	Spk. Norton
Nelson, K.	Pelowski	Schafer	Tompkins	

The bill was passed and its title agreed to.

S. F. No. 725, A bill for an act relating to local government; removing limitations on tax adjustments related to annexations; amending Minnesota Statutes 1986, section 414.035.

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 7 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bauerly	Brown	Omann	Uphus
Bertram	Gruenes	Thiede	

The bill was passed and its title agreed to.

S. F. No. 1067, A bill for an act relating to local government; providing for the discharge of charter commissions; amending Minnesota Statutes 1986, section 410.05, 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 126 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bauerly      McEachern      Sarna

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 999 was reported to the House.

Kelso moved that H. F. No. 999 be continued on the Calendar for one day. The motion prevailed.

H. F. No. 1141, A bill for an act relating to the city of Champlin; permitting the city to use unexpended public improvement funds for a low-income special assessment grant program.

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 104 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Larsen	Olson, K.	Segal
Anderson, R.	Gutknecht	Lasley	Omann	Simoneau
Battaglia	Hartle	Lieder	Orenstein	Skoglund
Bauerly	Heap	Long	Osthoff	Solberg
Beard	Hugoson	Marsh	Otis	Sparby
Begich	Jacobs	McEachern	Ozment	Stanisus
Bennett	Jaros	McKasy	Pappas	Steensma
Boo	Jefferson	McLaughlin	Pelowski	Swenson
Brown	Jennings	McPherson	Peterson	Tompkins
Burger	Jensen	Milbert	Price	Trimble
Carlson, L.	Johnson, A.	Minne	Quinn	Tunheim
Carruthers	Johnson, R.	Munger	Redalen	Uphus
Clark	Kahn	Murphy	Reding	Vanasek
Cooper	Kalis	Nelson, C.	Rest	Vellenga
Dauner	Kelly	Nelson, D.	Rice	Wagenius
DeBlieck	Kelso	Nelson, K.	Rodosovich	Welle
Dempsey	Kinkel	Neuenschwander	Rose	Wenzel
Dille	Kludt	O'Connor	Rukavina	Winter
Dorn	Knuth	Ogren	Sarna	Wynia
Forsythe	Kostohryz	Olsen, S.	Scheid	Spk. Norton
Greenfield	Krueger	Olson, E.	Schoenfeld	

Those who voted in the negative were:

Bishop	Haukoos	Morrison	Schafer	Tjornhom
Blatz	Himle	Onnen	Schreiber	Waltman
Clausnitzer	Knickerbocker	Pauly	Seaberg	
Frederick	McDonald	Poppenhagen	Sviggum	
Frerichs	Miller	Richter	Thiede	

The bill was passed and its title agreed to.

H. F. No. 846 was reported to the House and given its third reading.

Wynia moved that H. F. No. 846 be returned to General Orders.

A roll call was requested and properly seconded.

The question was taken on the Wynia motion and the roll was called. There were 35 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Carlson, L.	Jefferson	Krueger	Morrison	Olson, K.
Carruthers	Johnson, A.	Larsen	Murphy	Orenstein
Clark	Kahn	Long	Nelson, K.	Osthoff
Forsythe	Knuth	McLaughlin	O'Connor	Pappas
Greenfield	Kostohryz	Minne	Olsen, S.	Pauly

Price Rest	Scheid Segal	Simoneau Skoglund	Sparby Vellenga	Wagenius Wynia
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Those who voted in the negative were:

Anderson, R.	Dorn	Kludt	Ozment	Solberg
Battaglia	Frederick	Knickerbocker	Pelowski	Stanius
Bauerly	Frerichs	Lasley	Peterson	Steensma
Beard	Gruenes	Lieder	Poppenhagen	Sviggum
Begich	Gutknecht	Marsh	Quinn	Swenson
Bennett	Hartle	McDonald	Quist	Thiede
Bertram	Haukoos	McEachern	Redalen	Tjornhom
Bishop	Heap	McKasy	Reding	Tompkins
Blatz	Himle	McPherson	Richter	Trimble
Boo	Hugoson	Milbert	Riveness	Tunheim
Brown	Jacobs	Miller	Rodosovich	Uphus
Burger	Jaros	Munger	Rose	Valento
Carlson, D.	Jennings	Nelson, C.	Rukavina	Vanasek
Clausnitzer	Jensen	Nelson, D.	Sarna	Voss
Cooper	Johnson, R.	Neuenschwander	Schafer	Waltman
Dauner	Johnson, V.	Ogren	Schoenfeld	Welle
DeBlicek	Kalis	Olson, E.	Schreiber	Wenzel
Dempsey	Kelly	Omann	Seaberg	Winter
Dille	Kinkel	Onnen	Shaver	Spk. Norton

The motion did not prevail.

H. F. No. 846, A bill for an act relating to education; providing options for swimming classes in public schools; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	DeBlicek	Johnson, R.	Onnen	Sviggum
Battaglia	Dempsey	Johnson, V.	Ozment	Swenson
Bauerly	Dille	Kalis	Poppenhagen	Thiede
Beard	Dorn	Kinkel	Quist	Tjornhom
Begich	Frederick	Marsh	Redalen	Tompkins
Bennett	Frerichs	McDonald	Richter	Tunheim
Bertram	Gruenes	McEachern	Sarna	Uphus
Boo	Gutknecht	McKasy	Schafer	Valento
Brown	Hartle	McPherson	Schoenfeld	Vanasek
Burger	Heap	Minne	Seaberg	Waltman
Carlson, D.	Hugoson	Nelson, D.	Solberg	Wenzel
Clausnitzer	Jacobs	Ogren	Stanius	Winter
Dauner	Jensen	Omann	Steensma	

Those who voted in the negative were:

Anderson, G.	Cooper	Jefferson	Knickerbocker	Lieder
Bishop	Forsythe	Johnson, A.	Knuth	Long
Blatz	Greenfield	Kahn	Kostohryz	McLaughlin
Carlson, L.	Haukoos	Kelly	Krueger	Milbert
Carruthers	Himle	Kelso	Larsen	Morrison
Clark	Jaros	Kludt	Lasley	Murphy

Nelson, C.	Osthoff	Reding	Schreiber	Voss
Nelson, K.	Otis	Rest	Segal	Wagenius
Neuenschwander	Pappas	Rice	Shaver	Welle
O'Connor	Pauly	Riveness	Simoneau	Wynia
Olsen, S.	Pelowski	Rodosovich	Skoglund	Spk. Norton
Olson, E.	Peterson	Rose	Sparby	
Olson, K.	Price	Rukavina	Trimble	
Orenstein	Quinn	Scheid	Vellenga	

The bill was not passed.

### SPECIAL ORDERS

The Speaker called Long to the Chair.

H. F. No. 706, A bill for an act relating to juveniles; clarifying certain recent changes to the juvenile court act; clarifying the hearing and records procedures of the juvenile court; providing for the enforcement of juvenile court restitution orders; permitting administrative docketing of certain unpaid county reimbursements; clarifying certain crime victim notification and protection laws; amending Minnesota Statutes 1986, sections 260.155, subdivisions 1 and 1a; 260.156; 260.161; 260.185, by adding a subdivision; 548.091, subdivision 1; 595.02, subdivision 4; 609.115, subdivision 1; 609.3471; 611A.031; and 611A.035; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1986, sections 609.115, subdivisions 1b and 1c; and 636.08.

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

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

Those who voted in the affirmative were:

Anderson, G.	DeBlieck	Johnson, A.	McLaughlin	Osthoff
Anderson, R.	Dempsey	Johnson, V.	McPherson	Otis
Battaglia	Dille	Kahn	Milbert	Ozment
Bauerly	Dorn	Kalis	Miller	Pappas
Beard	Forsythe	Kelly	Minne	Pauly
Begich	Frederick	Kelso	Morrison	Pelowski
Bennett	Frerichs	Kludt	Munger	Peterson
Bertram	Greenfield	Knickerbocker	Murphy	Poppenhagen
Bishop	Gruenes	Knuth	Nelson, C.	Price
Blatz	Gutknecht	Kostohryz	Nelson, D.	Quinn
Boo	Hartle	Krueger	Nelson, K.	Quist
Burger	Haukoos	Larsen	Neuenschwander	Redalen
Carlson, D.	Heap	Lasley	O'Connor	Reding
Carlson, L.	Hugoson	Lieder	Ogren	Rest
Carruthers	Jacobs	Long	Olsen, S.	Rice
Clark	Jaros	Marsh	Olson, E.	Richter
Clausnitzer	Jefferson	McDonald	Omann	Riveness
Cooper	Jennings	McEachern	Onnen	Rodosovich
Dauner	Jensen	McKasy	Orenstein	Rose

Rukavina	Shaver	Sviggum	Uphus	Welle
Sarna	Simoneau	Swenson	Valento	Wenzel
Schafer	Skoglund	Thiede	Vanasek	Winter
Scheid	Solberg	Tjornhom	Vellenga	Wynia
Schoenfeld	Sparby	Tompkins	Voss	Spk. Norton
Schreiber	Stanius	Trimble	Wagenius	
Segal	Steensma	Tunheim	Waltman	

The bill was passed and its title agreed to.

H. F. No. 638, A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

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

The bill was passed and its title agreed to.

H. F. No. 490 was reported to the House.

McLaughlin moved to amend H. F. No. 490, the first engrossment, as follows:

Page 5, line 10, after the period, insert "The school board shall take action on this act by July 1, 1987."

The motion prevailed and the amendment was adopted.

H. F. No. 490, A bill for an act relating to elections; increasing the size of the board of education of special school district No. 1 of the city of Minneapolis to nine members providing for six members to be elected by districts; requiring compliance with certain campaign disclosure provisions; amending Minnesota Statutes 1986, sections 383B.041; 383B.042, subdivisions 5 and 9; 383B.053, subdivision 1; and 383B.058; and Laws 1959, chapter 462, section 3, subdivision 1, as amended and renumbered.

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 82 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jacobs	Marsh	Peterson	Sparby
Beard	Jaros	McEachern	Price	Stanius
Begich	Jennings	McKasy	Quinn	Steensma
Bennett	Jensen	McLaughlin	Reding	Swenson
Bertram	Johnson, A.	Milbert	Rest	Trimble
Bishop	Johnson, R.	Minne	Riveness	Tunheim
Brown	Kahn	Murphy	Rose	Vanasek
Carlson, D.	Kalis	Nelson, C.	Rukavina	Vellenga
Clark	Kelly	O'Connor	Sarna	Voss
Clausnitzer	Kelso	Ogren	Scheid	Wagenius
Cooper	Kinkel	Olson, E.	Schoenfeld	Welle
Dauner	Kludt	Olson, K.	Seaberg	Wenzel
DeBlick	Knuth	Orenstein	Segal	Winter
Dille	Krueger	Osthoff	Shaver	Wynia
Gutknecht	Larsen	Otis	Simoneau	
Hartle	Lasley	Pappas	Skoglund	
Heap	Long	Pelowski	Solberg	

Those who voted in the negative were:

Bauerly	Gruenes	McDonald	Poppenhagen	Tjornhom
Blatz	Haukoos	McPherson	Quist	Tompkins
Burger	Himle	Miller	Redalen	Uphus
Carlson, L.	Hugoson	Morrison	Rice	Valento
Carruthers	Jefferson	Nelson, K.	Richter	Waltman
Dempsey	Johnson, V.	Olsen, S.	Schafer	
Frederick	Knickerbocker	Omann	Schreiber	
Frerichs	Kostohryz	Onnen	Sviggum	
Greenfield	Lieder	Pauly	Thiede	

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

H. F. No. 830, A bill for an act relating to state energy contracts; imposing additional requirements on bidders for state energy efficiency installment purchase contracts; amending Minnesota Statutes 1986, section 16B.16, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frederick Gruenes Popenhagen Thiede

The bill was passed and its title agreed to.

H. F. No. 1147 was reported to the House.

Johnson, R., moved to amend H. F. No. 1147, the first engrossment, as follows:

Page 3, line 23, after "board" insert "or their designee"

Page 3, line 24, after "colleges" insert "or their designee"

Page 4, lines 6 and 25, after "board" insert "or their designee"

Page 4, lines 8 and 27, after "colleges" insert "or their designee"

The motion prevailed and the amendment was adopted.



Solberg, Gruenes, Bauerly and Boo moved to amend H. F. No. 1147, the first engrossment, as amended, as follows:

Page 5, after line 19, insert:

"Section 3. Minnesota Statutes 1986, section 179A.03, subdivision 19, is amended to read:

Subd. 19. [TERMS AND CONDITIONS OF EMPLOYMENT.] "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits, except retirement contributions or benefits of a public pension fund described in section 356.20, subdivision 2, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07.

Sec. 4. Minnesota Statutes 1986, section 465.72, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] The provisions of subdivision 1 requiring that severance pay be paid over a period not to exceed five years from retirement or termination of employment and limiting severance pay to an amount equal to one year of pay do not apply to severance pay constituting compensation for accumulated sick leave, if the payments are made to a person who has at least ten years of allowable service with the employer who is making the severance payments. Allowable service for purposes of this subdivision has the same definition of allowable service credit as the public pension plan providing retirement coverage to the employee while employed by the employer in the form of periodic contributions toward premiums for group insurance policies provided for a former employee by a governmental subdivision.

This subdivision applies only to periodic contributions that have commenced before the effective date of Laws 1986, chapter 455 or that are required under contracts, or, with respect to employees not covered by contracts, personnel policies, formally adopted by the governing body of the governmental subdivision, in existence on the effective date of Laws 1986, chapter 455. After the effective date of Laws 1986, chapter 455, a governmental subdivision may not enter into a contract or adopt a personnel policy providing for a payment in violation of subdivision 1. A personnel policy or portion of a personnel policy in existence on the effective date of Laws 1986, chapter 455 and providing for a payment in violation of subdivision 1 is null and void (i) upon the expiration of a collective bargaining agreement containing a similar provision and covering employees of the governmental subdivision that has adopted the policy, or (ii) two years from the effective date of Laws 1986, chapter 455, whichever is earlier. Any payments by governmental subdivisions in accordance

with this subdivision before the effective date of Laws 1986, chapter 455 are validated.”

Page 5, line 20, delete “3” and insert “5”

Amend the title as follows:

Page 1, line 2, delete “retirement” and insert “public employment”

Page 1, line 5, after the semicolon insert “defining terms and conditions of public employment; allowing expanded payment of certain accumulated sick leave;”

Page 1, line 6, delete “and”; after “136.82, subdivision 1” insert “; 179A.03, subdivision 19; and 465.72, subdivision 2”

The motion prevailed and the amendment was adopted.

H. F. No. 1147, A bill for an act relating to public employment; state university and community college supplemental retirement plan; reducing the age for the redemption of investment shares; investment options; defining terms and conditions of public employment; allowing expanded payment of certain accumulated sick leave; amending Minnesota Statutes 1986, sections 136.81, subdivision 3; 136.82, subdivision 1; 179A.03, subdivision 19; and 465.72, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dauner	Jensen	Long	Ogren
Anderson, R.	DeBlieck	Johnson, A.	Marsh	Olsen, S.
Battaglia	Dempsey	Johnson, R.	McDonald	Olsen, E.
Bauerly	Dille	Johnson, V.	McEachern	Olson, K.
Beard	Dorn	Kahn	McKasy	Omann
Begich	Forsythe	Kalis	McLaughlin	Onnen
Bennett	Frederick	Kelly	McPherson	Orenstein
Bertram	Greenfield	Kelso	Miller	Osthoff
Blatz	Gruenes	Kinkel	Minne	Otis
Brown	Gutknecht	Kludt	Morrison	Ozment
Burger	Hartle	Knickerbocker	Munger	Pappas
Carlson, D.	Haukoos	Knuth	Murphy	Pauly
Carlson, L.	Heap	Kostohryz	Nelson, C.	Pelowski
Carruthers	Hugoson	Krueger	Nelson, D.	Peterson
Clark	Jaros	Larsen	Nelson, K.	Poppenhagen
Clausnitzer	Jefferson	Lasley	Neuenschwander	Price
Cooper	Jennings	Lieder	O'Connor	Quinn

Quist	Sarna	Skoglund	Tompkins	Waltman
Reding	Schafer	Solberg	Trimble	Welle
Rest	Scheid	Sparby	Tunheim	Wenzel
Rice	Schoenfeld	Stanius	Uphus	Winter
Richter	Schreiber	Steensma	Valento	Wynia
Riveness	Seaberg	Sviggum	Vanasek	Spk. Norton
Rodosovich	Segal	Swenson	Vellenga	
Rose	Shaver	Thiede	Voss	
Rukavina	Simoneau	Tjornhom	Wagenius	

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

H. F. No. 1266, A bill for an act relating to Hennepin county; providing bonding authority for library construction and betterment; amending Minnesota Statutes 1986, section 383B.245.

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

The bill was passed and its title agreed to.

H. F. No. 1355 was reported to the House.

Greenfield moved to amend H. F. No. 1355, the first engrossment, as follows:

Page 2, line 12, after the period insert "Notwithstanding any contrary provision of law or charter any member of the city council, or officer or employee of the city may be a member of the board of directors of any nonprofit corporation performing all or part of the activities necessary to carry out the purposes specified in this section."

The motion prevailed and the amendment was adopted.

H. F. No. 1355, A bill for an act relating to the city of Minneapolis; giving the city certain powers pertaining to conventions and tourism activities; providing for the use of certain tax revenues; amending Laws 1986, chapter 396, section 4, subdivision 3.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1362 was reported to the House.

McLaughlin and Jacobs moved to amend H. F. No. 1362, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ADJUSTMENT TO UTILITY REVENUE REQUIREMENT DUE TO TAX REFORM ACT.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Commission" means the public utilities commission.

(c) "Expedited proceeding" means a proceeding before the commission where the commission provides a public utility or telephone company 20 days to file its proposed tariffs and supporting statements of fact, provides other interested persons 20 days to file written statements of fact in argument in response to the proposed tariffs, provides ten days to reply, either in writing or orally or both, and makes a final decision within 30 days after all replies are received based on the record. All pleadings in an expedited proceeding must be verified and oral statements of fact must be made under oath or affirmation. An expedited proceeding is exempt from sections 14.40 to 14.62.

(d) "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4.

(e) "Tax Reform Act" means the Tax Reform Act of 1986, Public Law Number 99-514.

(f) "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, subdivision 2.

Subd. 2. [RATE ADJUSTMENT.] Notwithstanding chapters 216, 216B, and 237, the commission may order a public utility or a telephone company, after notice and an expedited proceeding, to adjust the rates charged for its services solely on the basis of the Tax Reform Act's impact on its revenue requirements.

Subd. 3. [INTERIM RATES; REFUND.] A rate of a public utility or telephone company in effect on July 1, 1987, that has not been adjusted in a general rate case, under this section, or by any other commission order to reflect the impact of the Tax Reform Act is an interim rate and is subject to a refund under Minnesota Statutes, sections 216B.16, subdivision 3; and 237.075, subdivision 3, to reflect adjustments due to the Tax Reform Act.

Subd. 4. [OPTION.] A public utility or a telephone company may elect to adjust its rates under a general rate case under Minnesota Statutes, sections 216B.16 or 237.075 to reflect adjustments in addition to the impact of the Tax Reform Act.

Subd. 5. [REPEALER.] This section is repealed effective July 1, 1988.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "; providing for repeal"

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the McLaughlin and Jacobs amendment and the roll was called. There were 33 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Carruthers	Larsen	Orenstein	Riveness	Voss
Clark	McLaughlin	Osthoff	Rukavina	Wagenius
Greenfield	Milbert	Otis	Sarna	Winter
Jaros	Minne	Pappas	Simoneau	Wynia
Jefferson	Murphy	Price	Skoglund	Spk. Norton
Kahn	Nelson, C.	Quinn	Trimble	
Kelly	O'Connor	Rice	Vanasek	

Those who voted in the negative were:

Anderson, G.	Dorn	Kludt	Omann	Solberg
Battaglia	Forsythe	Knickerbocker	Onnen	Sparby
Bauerly	Frederick	Knuth	Ozment	Stanius
Beard	Frerichs	Krueger	Pauly	Steensma
Begich	Gruenes	Lasley	Pelowski	Sviggum
Bennett	Gutknecht	Lieder	Peterson	Swenson
Bertram	Hartle	Marsh	Poppenhagen	Thiede
Boo	Haukoos	McDonald	Quist	Tjornhom
Brown	Heap	McKasy	Redalen	Tompkins
Burger	Hugoson	McPherson	Richter	Tunheim
Carlson, D.	Jacobs	Miller	Rodosovich	Uphus
Carlson, L.	Jennings	Morrison	Rose	Valento
Clausnitzer	Jensen	Nelson, D.	Schafer	Waltman
Cooper	Johnson, R.	Neuenschwander	Scheid	Welle
Dauner	Johnson, V.	Ogren	Schoenfeld	Wenzel
DeBlieck	Kalis	Olsen, S.	Schreiber	
Dempsey	Kelso	Olson, E.	Seaberg	
Dille	Kinkel	Olson, K.	Shaver	

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

McLaughlin moved that H. F. No. 1362 be returned to General Orders. The motion prevailed.

Vanasek 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.

Vanasek moved that the remaining bills on Special Orders for today be continued one day and follow the Special Orders designated for Thursday, April 23, 1987. The motion prevailed.

#### GENERAL ORDERS

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

#### MOTIONS AND RESOLUTIONS

Rest moved that her name be stricken as an author on H. F. No. 373. The motion prevailed.

McLaughlin moved that the name of Skoglund be added as an author on H. F. No. 490. The motion prevailed.

Milbert moved that his name be stricken as an author on H. F. No. 981. The motion prevailed.

Solberg moved that the name of Johnson, V., be added as an author on H. F. No. 1328. The motion prevailed.

Quinn moved that H. F. No. 1460 be recalled from the Committee on General Legislation, Veterans Affairs and Gaming and be re-referred to the Committee on Governmental Operations. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 554:

Rukavina, Munger and Thiede.

## ADJOURNMENT

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 23, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives