

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1989

THIRTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 17, 1989

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Robert J. Fitzpatrick of St. John's Church of Little Canada, Little Canada, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanisus
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggun
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omänn	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

A quorum was present.

Bertram was excused.

The Chief Clerk proceeded to read the Journal of the preceding

day. Murphy 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. 1586, 191, 355, 762, 1113, 1172, 1353, 1459, 1491, 1108, 1285, 1339, 1604, 996, 955 and 1283 and S. F. No. 192 have been placed in the members' files.

S. F. No. 115 and H. F. No. 191, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Steensma moved that S. F. No. 115 be substituted for H. F. No. 191 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 33, A bill for an act relating to town roads; permitting town ordinances to regulate the burning of vegetation; amending Minnesota Statutes 1988, section 164.02, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, delete "Maintenance may include"

Page 1, delete lines 18 and 19 and insert:

"Subject to sections 88.16, 88.17, and 88.22, maintenance may include town ordinances to regulate the burning of vegetation on town road rights-of-way. The ordinance shall set forth limits and conditions on burning to minimize the danger of fire escaping. Any town adopting an ordinance under this section shall submit a copy of the ordinance to the department of natural resources."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 41, A bill for an act relating to family law; making surrogate mother agreements void and unenforceable; prohibiting advertisements for surrogate mothers; prohibiting the arranging of surrogate mother agreements; proposing coding for new law in Minnesota Statutes, chapters 257 and 259.

Reported the same back with the following amendments:

Page 1, line 21, after the first "to" insert "impregnate or"

Page 2, delete lines 24 and 25, and insert "court shall award court costs and attorney fees to the attorney general or county attorney, if the attorney general or county attorney prevails the action."

Injunctive relief under this section is not available against any medium in which an advertisement appears or through which it is disseminated nor against the owner or any employee of the medium."

Page 2, line 31, after the second "to" insert "such"

Page 2, delete lines 33 and 34, and insert "The court shall award court costs and attorney fees to the attorney general or county attorney, if the attorney general or county attorney prevails the action."

Amend the title as follows:

Page 1, line 6, delete "chapters" and insert "chapter"

Page 1, line 7, delete "and 259"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 118, A bill for an act relating to retirement; providing lump sum payments to certain retired or disabled public employees or their surviving spouses; appropriating money.

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

The report was adopted.

Osthoff from the Committee on Financial Institutions and Housing to which was referred:

H. F. No. 140, A bill for an act relating to housing; authorizing nonprofit neighborhood corporations to buy, rehabilitate, and sell housing to members of the community; establishing pilot programs for nonprofit neighborhood corporations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [462A.057] [MINNESOTA RURAL AND URBAN HOMESTEADING PROGRAM.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] There is established the Minnesota rural and urban homesteading program to be administered by the agency for grants to eligible applicants to acquire, rehabilitate, and sell eligible property. The program is designed to prevent the spread of blight, conserve the existing housing supply, strengthen neighborhoods, and provide safe and affordable housing. The program is directed at single family residential properties in need of rehabilitation that are sold to “at risk” homebuyers committed to strengthening the neighborhood and following a good neighbor policy.

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(1) “Contract for deed” is the agreement between the homebuyer and eligible applicant that meets the requirements of subdivision 8.

(2) “Eligible organization” or “organization” means a political subdivision, nonprofit or cooperative organization, as defined by the agency, housing and redevelopment authority, or other organization designated by the agency, which demonstrates the capacity to perform the duties outlined in subdivision 5.

(3) “Eligible property” or “property” means a single family residential dwelling and surrounding property that is vacant, condemned, abandoned, or otherwise defined as eligible by the agency, which, if rehabilitated, may prevent or arrest the spread of blight.

(4) “Homebuyer” means an individual or family who has not owned a residential dwelling in the past three years and meets the definition of “at risk” established by the agency under subdivision 4.

(5) “Designated home ownership area” or “designated area” means a specific area where the acquisition, rehabilitation, and sale

of eligible properties may take place under this section. In the metropolitan area, as defined in section 473.121, subdivision 2, a designated area must be a specific four square block area.

(6) "Neighborhood volunteer resident advisory board" or "advisory board" means the board established by an organization under subdivision 6.

(7) "Program" means the Minnesota rural and urban homesteading program established in subdivision 1.

Subd. 3. [GRANTS.] The agency may award grants of up to \$300,000 to eligible organizations. The grants must be used by the organization to buy eligible properties and pay for the costs of rehabilitating those properties. Up to \$30,000 of the grant award may be used for the administrative costs of the organization and for other costs associated with the acquisition and sale of properties under this program including the payment of taxes on the property during the period between the purchase and sale of the property.

Subd. 4. [AGENCY POWERS; DUTIES.] (a) The agency must:

(1) establish criteria for selecting which eligible organizations that apply for grants under this section receive the grants;

(2) establish criteria for targeting the program to homebuyers who are at risk which is defined to include families and individuals who are homeless, receiving public assistance, or otherwise cannot afford home ownership;

(3) establish the terms and provisions of the contract for deed under subdivision 8;

(4) establish the standards for being a good neighbor in consultation with other state agencies, local governmental agencies, and other organizations. The good neighbor standards must include: (i) attendance at home maintenance classes organized by the eligible applicant; (ii) continued maintenance of the property to ensure that the property retains its value; (iii) continued payment of heat, electricity, sewer, water, and other utilities; (iv) attendance at job training, chemical dependency services, educational programs, including progress toward a G.E.D., and other social services that would move the homebuyer toward self-sufficiency; and (v) participation in neighborhood functions including assisting others in home maintenance.

(5) establish construction and safety standards for properties that have been rehabilitated that must be met prior to the organization selling the property to a homebuyer. These standards should be

designed to reduce the likelihood that major repairs will be necessary within at least five years;

(6) work with organizations in seeking waivers from building code requirements that may be barriers to providing affordable housing but do not jeopardize the structural integrity or safety of the property; and

(7) monitor the financial and other activities related to this program of the organizations that have received grants under this section including auditing the financial records of the organizations.

(b) The agency may require that all contracts related to properties under the program, including the contract for deed under subdivision 8, be approved by the agency before the execution of the contract. The agency may also require appraisals of property under the program.

Subd. 5. [ELIGIBLE ORGANIZATION; CAPACITY.] The eligible organization must demonstrate to the agency that it has the capacity to:

(1) organize and continue an ongoing relationship with the neighborhood volunteer resident advisory boards required under subdivision 6;

(2) provide the necessary staff to administer the program on the local level for an extended period;

(3) link homebuyers who buy property under this program to social services that may be required to move the homebuyer toward self-sufficiency and maintain the good neighbor provisions of the contract for deed under subdivision 8;

(4) select and acquire property that meets the requirements established for this program and contract with businesses or organizations for the rehabilitation of the property;

(5) raise funds or in-kind contributions from persons, foundations, government units, and businesses to assist in the funding for this program. In-kind contributions may include tools and equipment for the tool library and property at no or minimal cost to the organization;

(6) organize and maintain or arrange for a tool library for the lending of tools to homebuyers and other residents of the neighborhood area for the maintenance or improvement of their property;

(7) provide or arrange for classes on home maintenance and other

topics relevant to homebuyers and other neighborhood residents; and

(8) monitor the progress of homebuyers who have acquired property under this section to determine if they maintain the good neighbor policies required under subdivision 8.

Subd. 6. [NEIGHBORHOOD VOLUNTEER RESIDENT ADVISORY BOARD.] Each organization must establish a neighborhood volunteer resident advisory board for each designated area. The advisory board must consist of residents of the designated area who reflect the racial composition of the area and who have demonstrated a commitment to strengthening their neighborhood and assisting homebuyers. In the metropolitan area, as defined in section 473.121, subdivision 2, at least 20 percent of the advisory board must be minority residents. The advisory board must:

(1) recommend to the organization properties that may be acquired for the program in the designated area;

(2) consent to the purchase of properties by the organization for the program;

(3) recommend to the organization the selection of homebuyers;

(4) make recommendations for any termination of a contract for deed made under subdivision 11;

(5) assist and nurture the homebuyer by ensuring that the homebuyer receives training in home maintenance and the necessary social services to move the homebuyer toward self-sufficiency; and

(6) assist the organization in monitoring the homebuyer's progress in maintaining the good neighbor provisions of the contract for deed.

Subd. 7. [PURCHASE AND REHABILITATION.] An eligible organization may acquire up to five properties in a designated area with the consent of the advisory board for that area. The organization must rehabilitate these properties to the standards established by the agency. All rehabilitation of the properties except menial labor must be contracted out to businesses or organizations experienced in rehabilitation of residential property. The total maximum cost of the acquisition, rehabilitation, closing costs, and back taxes must be no greater than \$50,000 per individual property. The \$50,000 maximum may be exceeded if the excess costs over \$50,000 are attributed to rehabilitation or improvements to make the property handicapped accessible.

Subd. 8. [SALE OF PROPERTY TO HOMEBUYER.] The eligible organization may sell rehabilitated property to homebuyers. The organization's selection of the homebuyer must have the recommendation of the advisory board in the designated area in which the property is located. The organization may not discriminate against the homebuyer in the sale of the property based on race or sex. A contract for deed agreement between the homebuyer and the organization must be entered into for each sale of property under this subdivision. The terms and other provisions of the contract for deed must be established by the agency and the following requirements must be included in the contract:

(1) the organization must retain title to the property until the entire purchase price is paid to the eligible organization;

(2) the purchase price paid by the homebuyer must be equal to the total costs of acquiring and rehabilitating the property;

(3) no down payment or interest payment is required of the homebuyer;

(4) the monthly payment must equal 25 percent of the homebuyer's gross monthly income and must be applied according to subdivision 9;

(5) the organization retains the option to require verification of a homebuyer's income;

(6) the organization retains the option to require escrow for payment of property taxes and hazard insurance; or the organization may require the verification that payments of property taxes and hazard insurance have been made by the homeowner;

(7) the homebuyer may prepay the entire purchase price at any time during the term of the contract for deed and the title to the property must be transferred to the homeowner at the time of prepayment;

(8) the organization has the option to repurchase the property according to the terms established under subdivision 10;

(9) the homebuyer agrees to meet the good neighbor standards set by the agency; and

(10) any other requirements established by the agency that meet the requirements and purposes of this section.

The contract for deed must be reviewed every five years to determine if the homebuyer may be eligible to receive mortgage financing from another financing source including a mortgage

company or other private financial institution. If other financing is made available to the homebuyer, the contract for deed must be prepaid.

Subd. 9. [APPLICATION OF PAYMENTS.] The monthly payments required under subdivision 8 must be applied or distributed in the following order:

- (1) hazard insurance for the property;
- (2) property taxes due on the property; and
- (3) the contract for deed principal amount.

The amount applied to the contract for deed principal amount may be used by the organization for (i) reasonable administrative costs of the organization directly related to the property; (ii) an escrow account for the maintenance and improvement of the property; and (iii) a seed account maintained by the organization for further acquisition and rehabilitation of eligible properties under the program.

The agency may audit the financial records of the organization to determine if the organization is collecting reasonable administrative costs from the monthly payment.

If the monthly payment is not sufficient to pay the hazard insurance and property taxes, the organization may use money from the amount collected under clause (3), money received from the grant award under subdivision 3, or other money of the organization to pay the difference. An amount equal to the amount that would be required to offset the difference between the monthly payment and payments for hazard insurance and property taxes must be added to the contract purchase price.

If the monthly payment is not sufficient to pay the hazard insurance and property taxes, the homebuyer shall agree to work toward increasing the homebuyer's income so that monthly payments are sufficient to pay the hazard insurance and property taxes. If the organization determines that the homebuyer is not making sufficient effort to increase the homebuyer's income after six months, the organization may find that the homebuyer has failed to meet good neighbor standards and the contract for deed may be terminated.

Subd. 10. [RIGHT TO REPURCHASE.] The organization has the option to repurchase the property if the homebuyer rents, assigns, vacates, transfers, or offers to sell the property within 20 years of the purchase of the property from the organization. This option to repurchase does not apply to a transfer of the property to a surviving

joint tenant or heir of the homebuyer. If the organization chooses not to exercise its option to repurchase the property, the agency may repurchase the property.

The repurchase price paid by the organization or the agency may not exceed the lesser of the (i) appraised value of the property at the time of repurchase; or (ii) the sum of:

(1) the total amount paid by the homeowner to the organization for debt payment on the contract for deed;

(2) the value of any major improvements to the property that were paid directly by the homebuyer and were not part of the monthly payment required under subdivision 8; and

(3) the product of the sum of clauses (1) and (2), and the increase in inflation based on the housing component of the federal Consumer Price Index.

Subd. 11. [TERMINATION OF CONTRACT FOR DEED.] The contract for deed under subdivision 8 may be terminated by the organization if any of the following occurs:

(1) the homebuyer fails to make timely payments required by the contract for deed;

(2) the homebuyer refuses to provide verification of income at the request of the organization;

(3) the homebuyer fails to adequately maintain the property in compliance with all state, county, or municipal building, fire, health, or other codes and standards applicable to the eligible housing;

(4) the homebuyer is found to be guilty of a criminal action relating to controlled substances, firearms, assault, or other serious offenses as determined by the agency; or

(5) the homebuyer fails to meet the good neighbor standards established by the agency.

The organization shall consult with the advisory board before terminating the contract for deed except in the case where required payments are not made in a timely manner.

If the organization terminates the contract for deed, the homebuyer may be evicted from the property. The homebuyer is not entitled to any compensation for the payments made for the property when a contract for deed is terminated.

Subd. 12. [SUCCESSOR TO NEIGHBORHOOD ORGANIZATION.] If an organization is dissolved for any purpose or if the agency determines that the organization is unable to administer the program, the agency is the legal successor in any properties, accounts, and other assets related to the program, and all contracts, property, and other assets and liabilities of the organization related to the program are the contracts, property, and other assets and liabilities of the agency. The agency is subject to the liabilities related to the program of the organization only to the extent of the fair market value of the properties and other assets.

Subd. 13. [REPORTS.] Each organization that receives a grant under this section shall submit an annual report to the agency by December 1 of each year that describes the use of grant funds received under this section. The report must include a description of the number of eligible properties acquired, the number of properties purchased by homebuyers, the amount of nonpublic money used for the program, the effort by the organization and the advisory boards in ensuring that the homebuyers maintain a good neighbor status, and any other information required by the agency.

The agency shall prepare and submit an annual report to the legislature and the governor by January 15 of each year, beginning in 1991, that summarizes the reports of the organizations. The agency's report may also include recommendations to improve the program.

Sec. 2. Minnesota Statutes 1988, section 462A.21, is amended by adding a subdivision to read:

Subd. 15. It may make grants to eligible organizations for the Minnesota rural and urban homesteading program under section 1 and may pay the costs and expenses necessary and incidental to the grant program.

Sec. 3. [APPROPRIATION; MINNESOTA RURAL AND URBAN HOMESTEADING PROGRAM PILOT PROJECT.]

\$ is appropriated from the general fund to the Minnesota housing finance agency for a pilot project of the Minnesota rural and urban homesteading program established under section 1. The Minnesota housing finance agency may award five pilot project grants. The agency may not award more than two pilot project grants in a county. The agency shall award five pilot project grants to five different organizations that would administer the program in one of the following areas: (1) city of Minneapolis; (2) city of St. Paul; (3) a city in the seven county metropolitan area other than the cities of St. Paul or Minneapolis; (4) a city located outside the seven county metropolitan area with a population greater than 35,000; and (5) a city located outside the seven county metropolitan area with a population less than 35,000.

Delete the title and insert:

"A bill for an act relating to housing; establishing the Minnesota rural and urban homesteading program; providing for pilot project grants; appropriating money; amending Minnesota Statutes 1988, section 462A.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A."

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

The report was adopted.

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

H. F. No. 150, A bill for an act relating to health care; providing a program of affordable health care coverage for Minnesota residents; creating a health care access commission to implement and administer the program; establishing eligibility requirements and funding sources; modifying income eligibility requirements for medical assistance; imposing penalties; appropriating money; amending Minnesota Statutes 1988, section 256B.056, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 290; proposing coding for new law as Minnesota Statutes, chapter 62J.

Reported the same back with the following amendments:

Page 3, after line 15, insert:

"The commission shall be treated as an executive branch agency for purposes of sections 16A.095, 16A.10, 16A.11, 16A.123, 16A.14, and 16A.15."

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

The report was adopted.

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

H. F. No. 153, A bill for an act relating to retirement; judges' retirement fund; providing coverage under the combined service annuity, disability, and survivor benefit provisions; amending Minnesota Statutes 1988, sections 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

PURCHASE OF PRIOR SERVICE CREDIT

Section 1. [PURCHASE OF CREDIT FOR CERTAIN PRIOR SERVICE.]

Subdivision 1. [HIGHLAND GOLF COURSE EMPLOYEE.] A person who was born on October 1, 1925, who was a member of the public employees retirement association as of December 1, 1988, who is a seasonal employee of the city of St. Paul at the Highland golf course, and who was employed in that capacity between June 25, 1979, and July 31, 1984, is entitled to purchase allowable service credit from the public employees retirement association for that period of service if not otherwise credited as allowable service by the public employees retirement association.

Subd. 2. [RAMSEY COUNTY COURT COMMISSIONER.] A member of the public employees retirement association with prior service as an elected court commissioner in Ramsey county between January 1, 1963, and December 31, 1974, may purchase allowable service credit in the association for that period of service.

Subd. 3. [HENNEPIN COUNTY EMPLOYEE.] Notwithstanding the limitations in Minnesota Statutes, section 353.36, subdivision 2, a person whose employment with Hennepin county began in July 1973, but for whom no salary deductions were taken out for the public employees retirement association between October 1973 and July 1976, may purchase credit for the prior public service for which salary deductions were omitted.

Subd. 4. [DAKOTA COUNTY RECORDER.] A member of the public employees retirement association with prior service as an elected county recorder in Dakota county between January 1, 1983, and December 31, 1987, may purchase allowable service credit in the association for that period of service.

Subd. 5. [BLOOMINGTON CITY EMPLOYEE.] A person who was born on May 11, 1927, whose employment by the city of Bloomington began in March 1960 and continued during the years 1960 and 1961, and for whom no salary deductions were taken for the public employees retirement association may purchase credit for that service from the public employees retirement association.

Subd. 6. [PURCHASE PAYMENT AMOUNT.] For a person eligi-

ble to purchase credit for prior service under subdivisions 1 to 5, there must be paid to the public employees retirement association an amount equal to the present value, on the date of payment, of the amount of the additional retirement annuity that would be obtained by virtue of the purchase of the additional service credit, using the preretirement interest rate specified in Minnesota Statutes, section 356.215, subdivision 4d, and the mortality table adopted for the public employees retirement association and assuming continuous future service in the public employees retirement association until, and retirement at, the age at which the minimum requirements of the retirement association for normal retirement or retirement with an annuity unreduced for retirement at an early age, including Minnesota Statutes, section 356.30, are met with the additional service credit purchased, and also assuming a future salary history that includes annual salary increases at the salary increase rate specified in Minnesota Statutes, section 356.215, subdivision 4d. The person requesting the purchase of prior service shall establish in the records of the public employees retirement association proof of the service for which the purchase of prior service is requested. The manner of the proof of service must be in accordance with procedures prescribed by the executive director of the public employees retirement association.

Subd. 7. [PAYMENT; CREDITING SERVICE.] Payment must be made in one lump sum, unless the executive director of the public employees retirement association agrees to accept payment in installments over a period not to exceed three years from the date of the agreement, with interest at a rate deemed appropriate by the executive director. The period of allowable service may be credited to the account of the person only after receipt of full payment by the executive director.

Subd. 8. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment must be made by the person entitled to purchase prior service. However, the current or former employer of a person specified in subdivisions 1 to 5, may, at its discretion, pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect for the public employees retirement association during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent a year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

Sec. 2. Laws 1988, chapter 709, article 3, section 1, subdivision 4, is amended to read:

Subd. 4. [OPTIONAL EMPLOYER PARTIAL PAYMENT.] Payment must be made by the person entitled to purchase prior service. However, the current or former employer of a person specified in subdivision 1, ~~clause (1), (2), (4), (5), (6), or (7)~~ may, at its discretion,

and the metropolitan sports facilities commission for a person specified in subdivision 1, clause (3), shall pay all or any portion of the payment amount that exceeds an amount equal to the employee contribution rates in effect for the retirement fund during the period or periods of prior service applied to the actual salary rates in effect during the period or periods of prior service, plus interest at the rate of six percent a year compounded annually from the date on which the contributions would otherwise have been made to the date on which the payment is made.

Sec. 3. [PURCHASE AMOUNT.]

Notwithstanding Laws 1988, chapter 709, article 3, section 1, subdivision 2, the amounts required to purchase credit for prior service under Laws 1988, chapter 709, article 3, section 1, subdivision 1, clause (3), must be calculated assuming the affected employees will retire at age 65. Notwithstanding any contrary provision in Minnesota Statutes, section 352.116, if an employee who purchases service under Laws 1988, chapter 709, article 3, section 1, subdivision 1, clause (3) retires before age 65, the annuity must be reduced so that the reduced annuity is the actuarial equivalent of the annuity that would be payable if the employee deferred receipt from the day the annuity begins to accrue to age 65.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment. Section 2 applies retroactively to May 4, 1988.

ARTICLE 2

OTHER RETIREMENT ISSUES

Section 1. Minnesota Statutes 1988, section 353.01, subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] (a) The following persons are excluded from the meaning of "public employee":

(1) persons employed for professional services where the service is incidental to regular professional duties, determined on the basis that compensation for the service amounts to no more than 25 percent of the person's total annual gross earnings for all professional duties;

(2) election officers;

(3) independent contractors and their employees;

(4) patient and inmate help in governmental subdivision charitable, penal, and correctional institutions;

(5) members of boards, commissions, bands, and others who serve the governmental subdivision intermittently;

(6) employees whose employment is not expected to continue for a period longer than six consecutive months;

(7) part-time employees who receive monthly compensation from a governmental subdivision not exceeding \$425, and part-time employees and elected officials whose annual compensation from a governmental subdivision is stipulated in advance, in writing, to be not more than \$5,100 per calendar year or per school year for school employees for employment expected to be of a full year's duration or more than the prorated portion of \$5,100 per employment period for employment expected to be of less than a full year's duration, except that members continue their membership until termination of public service;

(8) persons who first occupy an elected office after July 1, 1988, the compensation for which does not exceed \$425 per month;

(9) emergency employees who are employed by reason of work caused by fire, flood, storm, or similar disaster;

(10) employees who by virtue of their employment as an officer or employee of a governmental subdivision are required by law to be a member of and to contribute to any of the plans or funds administered by the state employees retirement system, the teachers retirement fund, the state patrol retirement fund, the Duluth teachers retirement fund association, the Minneapolis teachers retirement fund association, the St. Paul teachers retirement fund association, the Minneapolis employees retirement fund, the Minnesota state retirement system correctional officers retirement plan, or any police or firefighters relief association governed by section 69.77 that has not consolidated with the public employees police and fire fund and for which the employee has not elected coverage by the public employees police and fire fund benefit plan as provided in sections 353A.01 to 353A.10, other than as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association;

(11) police matrons employed in a police department of a city who are transferred to the jurisdiction of a joint city and county detention and corrections authority;

(12) persons who are excluded from coverage under the federal old age, survivors, disability, and health insurance program for the

performance of service as specified in United States Code, title 42, section 410(a) (8) (A), as amended through January 1, 1987;

(13) full-time students who are enrolled and are regularly attending classes at an accredited school, college, or university and who are not employed full time by a governmental subdivision;

(14) resident physicians, medical interns, and pharmacist interns who are serving in public hospitals;

(15) appointed or elected officers, paid entirely on a fee basis, who were not members on June 30, 1971;

(16) persons holding a part-time adult supplementary technical institute license who render part-time teaching service in a technical institute if the service is incidental to the person's regular nonteaching occupation, the applicable technical institute stipulates annually in advance that the part-time teaching service will not exceed 300 hours in a fiscal year, and the part-time teaching service actually does not exceed 300 hours in a fiscal year; and

(17) persons exempt from licensure under section 125.031; and

(18) persons employed by the Minneapolis community development agency.

(b) Immediately following the expiration of a six-month period of employment by an employee covered by paragraph (a), clause (6), if the employee continues in public service and earns more than \$425 from a governmental subdivision in any one calendar month, the department head shall report the employee for membership and cause employee contributions to be made on behalf of the employee in accordance with section 353.27, subdivision 4, and the employee remains a member until termination of public service. This paragraph may not be construed to exclude an employee from membership whose employment is expected to continue for more than six months but who is serving a probationary period.

(c) If compensation from a governmental subdivision to an employee covered by paragraph (a), clause (7), exceeds \$5,100 per calendar year or school year after being stipulated in advance, the stipulation is no longer valid and contributions must be made on behalf of the employee in accordance with section 353.27, subdivision 12, from the month in which the employee first exceeded \$425.

(d) Paragraph (a), clause (10), does not prevent a person from being a member of and contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time. A person who meets the definition of "public

employee" in subdivision 2, by virtue of other service occurring during the same period of time shall become a member of the association unless contributions are made to another public retirement fund on the salary based on the other service or to the teachers retirement association in accordance with section 354.05, subdivision 2.

Sec. 2. Minnesota Statutes 1988, section 355.90, subdivision 3, is amended to read:

Subd. 3. [REFERENDUM.] A referendum on the question of extending the provisions of United States Code, title 42, sections 426, 426-1, and 1395c, must be held for each public employee pension plan listed in section 356.30, subdivision 3, except clauses (5) and (6), that has current members or participants who do not have coverage by the federal old age, survivors, and disability insurance program for the employment giving rise to that pension plan membership. The state agency shall supervise the referendum in accordance with United States Code, title 42, section 418, on the date or dates set by the governor for each pension plan. The notice of the referendum provided to each employee must contain a statement sufficient to inform the person of the rights available to the person as an employee in Medicare qualified government employment and the employee contribution rates applicable to the program. The referendum is approved if a majority of the members or participants indicate their desire to have the coverage on a form prescribed by the state agency. If the referendum is approved, The referendum must permit each employee the opportunity to select or reject Medicare coverage. The governor shall certify that fact to the Secretary of Health and Human Services, and that the conditions specified in United States Code, title 42, section 418(d)(7) have been met. Coverage is effective for all members or participants of the plan who select it on the first of the month after the certification unless the participant or member elects coverage effective retroactively to April 1, 1986.

Sec. 3. Minnesota Statutes 1988, section 355.90, subdivision 4, is amended to read:

Subd. 4. [EMPLOYEE AND EMPLOYER CONTRIBUTIONS.] (a) If the referendum is approved, Beginning on the first of the month after the certification of approval by the governor, the employer of each member or participant covered by selecting coverage under the referendum shall deduct from the wages of the employee an amount equal to the tax that would be imposed under United States Code, title 26, section 3101(b), if the services of the employee for which wages were paid constituted employment as defined in United States Code, title 26, section 3121.

(b) In addition to the deduction specified in paragraph (a), the employer of each member or participant covered by the referendum

shall also pay an amount equal to the tax that would be imposed under United States Code, title 26, section 3111(b), on the same wage base specified in paragraph (a).

(c) The amounts under paragraphs (a) and (b) shall be paid by the employer to the Secretary of the Treasury in the manner required by the secretary.

Sec. 4. Minnesota Statutes 1988, section 356.30, subdivision 3, is amended to read:

Subd. 3. [COVERED FUNDS.] ~~The provisions of This section shall apply~~ applies to the following retirement funds:

- (1) state employees retirement fund established pursuant to chapter 352;
- (2) correctional employees retirement program, established pursuant to chapter 352;
- (3) unclassified employees retirement plan, established pursuant to chapter 352D;
- (4) state patrol retirement fund, established pursuant to chapter 352B;
- (5) legislators' retirement plan, established pursuant to chapter 3A;
- (6) elective state officers' retirement plan, established pursuant to chapter 352C;
- (7) public employees retirement association, established pursuant to chapter 353;
- (8) public employees police and fire fund, established pursuant to chapter 353;
- (9) teachers retirement fund, established pursuant to chapter 354;
- (10) Minneapolis employees retirement fund, established pursuant to chapter 422A;
- (11) Minneapolis teachers retirement fund association, established pursuant to chapter 354A;
- (12) St. Paul teachers retirement fund association, established pursuant to chapter 354A;

(13) Duluth teachers retirement fund association, established pursuant to chapter 354A;

(14) public employees local government correctional service retirement plan established by sections 353C.01 to 353C.10; and

(15) judges' retirement fund, established by sections 490.121 to 490.132.

Sec. 5. Minnesota Statutes 1988, section 356.302, subdivision 7, is amended to read:

Subd. 7. [COVERED RETIREMENT PLANS.] This section applies to the following retirement plans:

(1) state employees retirement fund, established by chapter 352;

(2) unclassified employees retirement plan, established by chapter 352D;

(3) public employees retirement association, established by chapter 353;

(4) teachers retirement fund, established by chapter 354;

(5) Duluth teachers retirement fund association, established by chapter 354A;

(6) Minneapolis teachers retirement fund association, established by chapter 354A;

(7) St. Paul teachers retirement fund association, established by chapter 354A;

(8) Minneapolis employees retirement fund, established by chapter 422A;

(9) correctional employees retirement plan, established by chapter 352;

(10) state patrol retirement fund, established by chapter 352B; and

(11) public employees police and fire fund, established by chapter 353; and

(12) judges' retirement fund, established by sections 490.121 to 490.132.

Sec. 6. Minnesota Statutes 1988, section 356.303, subdivision 4, is amended to read:

Subd. 4. [COVERED RETIREMENT PLANS.] This section applies to the following retirement plans:

- (1) legislators retirement plan, established by chapter 3A;
- (2) state employees retirement fund, established by chapter 352;
- (3) correctional employees retirement plan, established by chapter 352;
- (4) state patrol retirement fund, established by chapter 352B;
- (5) elective state officers retirement plan, established by chapter 352C;
- (6) unclassified employees retirement plan, established by chapter 352D;
- (7) public employees retirement association, established by chapter 353;
- (8) public employees police and fire fund, established by chapter 353;
- (9) teachers retirement fund, established by chapter 354;
- (10) Duluth teachers retirement fund association, established by chapter 354A;
- (11) Minneapolis teachers retirement fund association, established by chapter 354A;
- (12) St. Paul teachers retirement fund association, established by chapter 354A; and
- (13) Minneapolis employees retirement fund, established by chapter 422A; and
- (14) judges' retirement fund, established by sections 490.121 to 490.132.

Sec. 7. Minnesota Statutes 1988, section 490.124, subdivision 12, is amended to read:

Subd. 12. [REFUND.] (a) Any person who ceases to be a judge but who does not qualify for a retirement annuity or other benefit under

section 490.121 shall be entitled to a refund in an amount equal to all the person's contributions to the judges' retirement fund plus interest computed to the first day of the month in which the refund is processed based on fiscal year balances at the rate of five percent per annum compounded annually.

(b) A refund of contributions under paragraph (a) terminates all service credits and all rights and benefits of the judge and the judge's survivors. A person who becomes a judge again after taking a refund under paragraph (a) may reinstate previously terminated service credits, rights, and benefits by repaying all refunds. A repayment must include interest at six percent per annum, compounded annually.

Sec. 8. Laws 1980, chapter 595, section 2, subdivision 4, is amended to read:

Subd. 4. All employees of the agency shall be considered employees of the housing and redevelopment authority and not the city of Minneapolis for the purposes of exclusion from membership in the public employee retirement association. An employee of the agency or the Minneapolis housing and redevelopment authority who is transferred to employment of the department or agency or the Minneapolis industrial development commission or the city of Minneapolis shall elect one of the following options with respect to retirement programs within six months after the date of transfer:

(a) The employee may continue as a member of the retirement program established by the Minneapolis housing and redevelopment authority and in effect on the date of transfer, and the agency or department or the city of Minneapolis shall make the necessary employer contributions to the program instead of becoming a member of the public employees retirement association.

(b) The employee may become a member of the public employees retirement association.

An employee of the city of Minneapolis who is transferred to employment of the agency or the Minneapolis housing and redevelopment authority shall remain a member of the retirement fund to which the employee belonged prior to the transfer, during the employment. An employee of the city of Minneapolis who is a member of the Minneapolis municipal employees retirement fund who is transferred to employment of the agency shall remain a member of the fund during the employment.

Sec. 9. [REFUND OF EXCESS EMPLOYEE CONTRIBUTIONS.]

A former employee of the bureau of health of the city of Saint Paul who, under Laws 1973, chapter 767, section 4, elected to retire with

benefits calculated in accordance with Minnesota Statutes, chapter 425, as modified by Laws 1969, chapter 1102, may, upon application to the executive director of the public employees retirement association or a form prescribed by the executive director, receive a refund of excess employee contributions to the bureau of health pension fund. The amount to be refunded is the difference between the amount actually deducted from the employee's monthly pay from the effective date of Laws 1969, chapter 1102, to the effective date of Laws 1973, chapter 767, and an amount equal to six percent of the monthly salary of a health sanitarian in the employment of the city of Saint Paul on January 1, 1969, plus interest at the rate of six percent a year compounded annually. The refund is payable from the public employees retirement fund.

Sec. 10. [PAYMENT OF REFUNDS BY ASSOCIATION.]

The executive director of the public employees retirement association shall notify each former employee of the bureau of health of the city of Saint Paul covered by section 1 who is receiving a retirement annuity from the public employees retirement association of the person's right to apply for a refund of excess contributions under that section. Application must be made within 60 days following notice, or eligibility for the refund expires. Upon receipt of an application for a refund from a person, the executive director of the association shall pay to the person a refund calculated in accordance with section 1.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 and 8 are effective upon approval by the city council of the city of Minneapolis and upon compliance with Minnesota Statutes, section 645.021, subdivision 3, and apply retroactively to July 13, 1980. Sections 2 to 7 are effective the day following final enactment. Sections 4, 5, and 6 apply retroactively to August 1, 1987. Sections 9 and 10 are effective July 1, 1989."

Delete the title and insert:

"A bill for an act relating to retirement; permitting certain purchases of prior service; excluding certain employees and providing for certain refunds from the public employees retirement association; providing for a referendum on Medicare coverage; providing a combined-service annuity for the judges' retirement fund; providing for repayment of refunds to the judges' retirement fund; amending Minnesota Statutes 1988, sections 353.01, subdivision 2b; 355.90, subdivisions 3 and 4; 356.30, subdivision 3; 356.302, subdivision 7; 356.303, subdivision 4; and 490.124, subdivision 12; Laws 1980, chapter 595, section 2, subdivision 4; and Laws 1988, chapter 709, article 3, section 1, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 163, A bill for an act relating to crime; enhancing penalties for offenders who unlawfully distribute controlled substances on school premises, at bus stops, or enroute to or from school; making possession and use of dangerous weapons while involved in unlawful controlled substance transactions a separate crime; requiring the attorney general to draft and disseminate a plain language version of these laws; amending Minnesota Statutes 1988, section 152.15, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 152.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [152.152] [CONTROLLED SUBSTANCE TRANSACTIONS IN PUBLIC PARKS AND DRUG FREE SCHOOL ZONES; DISSEMINATION OF INFORMATION.]

Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "Drug free school zone" includes the following locations: (a) school premises, as defined in clause (3); (b) the area within a school bus; and (c) property within 300 feet or one city block, whichever distance is greater, of a designated school bus stop when one or more students are awaiting the bus, or after one or more students have exited the bus if the bus is still within 300 feet or one city block, whichever distance is greater, of the designated school bus stop.

(2) "Public park" means an area designated as a public park by the federal government, the state, a local unit of government, a park district board, or a park and recreation board in a city of the first class. "Public park" includes the area within 300 feet or one city block, whichever distance is greater, of the park boundary.

(3) "School premises" means any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, and the area within 300 feet or one city block, whichever distance is greater, of the property, where an elementary, middle, secondary school, secondary vocational center, or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.

Subd. 2. [ATTORNEY GENERAL DUTIES.] The attorney general shall disseminate information relating to the provisions of sections 2 and 3 to the public. In conjunction with the informational promotion of sections 2 and 3, the attorney general shall draft a plain language version of sections 2 and 3 that describes in a clear and coherent manner using words with common and everyday meanings the contents of these sections. The attorney general shall publicize and disseminate the plain language version as widely as practicable, including distributing the version to school boards and local governments.

Subd. 3. [SCHOOL BOARDS, LOCAL GOVERNMENTS, AND PARK AGENCIES.] Every school board shall post the plain language version of sections 2 and 3 in conspicuous locations in school buildings and school buses. Every local government shall post the plain language version of sections 2 and 3 conspicuously at appropriate locations in public buildings. Every government agency responsible for administration of a public park shall post the plain language version of sections 2 and 3 conspicuously at appropriate locations within the park.

Subd. 4. [DRUG FREE SCHOOL ZONES.] Every school board is strongly encouraged to post signs at conspicuous locations on and near school premises stating that the school premises, the area within 300 feet or one city block, whichever distance is greater, of the school property, school buses, and designated school bus stops are within a drug free school zone. Local governments are strongly encouraged to cooperate with school boards in placing the signs.

Subd. 5. [DRUG FREE PARK ZONES.] The government agency responsible for administration of a public park is strongly encouraged to post signs at conspicuous locations in the park stating that the park and the area within 300 feet or one city block, whichever distance is greater, of the park boundary are within a drug free park zone.

Sec. 2. [244.095] [SENTENCING GUIDELINES MODIFICATION; UPWARD DEPARTURE FOR CERTAIN DRUG OFFENSES.]

Subdivision 1. [DEFINITIONS.] As used in this section, "public park" and "drug free school zone" have the meanings given them in section 1, subdivision 1.

Subd. 2. [AGGRAVATING FACTOR FOR DRUG OFFENSES COMMITTED IN PUBLIC PARKS AND IN DRUG FREE SCHOOL ZONES.] The commission shall modify the list of aggravating factors contained in the sentencing guidelines so as to authorize the sentencing judge to depart from the presumptive sentence with respect to either disposition or duration when the following circumstances are present:

(1) the defendant was convicted of unlawfully selling or possessing controlled substances in violation of chapter 152; and

(2) the crime was committed in a public park or in a drug free school zone.

This aggravating factor shall not apply to a person convicted of unlawfully possessing controlled substances in a private residence located within a drug free school zone or located within 300 feet or one city block, whichever distance is greater, of a public park boundary if no person under the age of 18 was present in the residence when the offense was committed.

Subd. 3. [REPORT TO LEGISLATURE.] The commission shall collect data on the number and types of cases involving a sentencing departure based on the aggravating factor created in subdivision 2, and shall report its findings to the legislature on or before February 1, 1991.

Sec. 3. Minnesota Statutes 1988, section 260.125, subdivision 3, is amended to read:

Subd. 3. A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

(1) Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or

(2) Is alleged by delinquency petition to have committed murder in the first degree; or

(3) Is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or

(4) Has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(5) Has been found by the court, pursuant to an admission in court

or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(6) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(7) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clause (2); (4), or (5); or

(8) Is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang; or

(9) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed an offense which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed a felony-level violation of chapter 152 involving the unlawful sale or possession of a schedule I or II controlled substance, while in a public park or a drug free school zone as defined in section 1, subdivision 1. This clause does not apply to a juvenile alleged to have unlawfully possessed a controlled substance in a private residence located within the drug free school zone or located within 300 feet or one city block, whichever distance is greater, of a public park boundary.

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, subdivision 1, clause (c) or (d); 609.345, subdivision 1, clause (c) or (d); 609.561; 609.582, subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means an association of five or more persons, with an established hierarchy,

formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1989. Sections 2 and 3 are effective August 1, 1989, and apply to offenses occurring on or after that date.

Delete the title and insert:

“A bill for an act relating to crime; controlled substances; authorizing a sentencing judge to depart from the presumptive sentence when a defendant commits a controlled substance offense in a public park or in a drug free school zone; providing for a prima facie case of reference to adult court when a juvenile commits certain controlled substance offenses in a public park or in a drug free school zone; requiring the attorney general to draft and disseminate a plain language version of these provisions; encouraging school boards and local governments to post drug free school and park zone signs; amending Minnesota Statutes 1988, section 260.125, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 152 and 244.”

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

The report was adopted.

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

H. F. No. 299, A bill for an act relating to occupations and professions; requiring the licensing of interior designers; defining the practice of interior design; providing for administration of licensing requirements; amending Minnesota Statutes 1988, sections 214.01, subdivision 3; 214.04, subdivision 3; 326.02, subdivision 1, and by adding a subdivision; 326.03, subdivision 1; 326.031; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 2a; 326.11, subdivision 1; 326.12; 326.13; and 326.14.

Reported the same back with the following amendments:

Page 9, line 8, delete “or an”

Page 9, lines 9 and 10, delete the new language

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 314, A bill for an act relating to obscenity; providing civil and equitable remedies against owners of businesses in which obscene materials or performances are sold or exhibited; proposing coding for new law in Minnesota Statutes, chapter 617.

Reported the same back with the following amendments:

Page 1, line 23, delete "civil penalties, or both," and insert "to prevent the exhibition, sale, printing, offering for sale, giving away, circulating, publishing, or distributing of obscene material described or identified in the petition. In addition or in the alternative, the prosecuting attorney may seek civil penalties. The action shall be brought"

Page 2, line 15, before the period insert "per petition"

Page 2, after line 18, insert:

"Sec. 2. [REPEALER.]

Section 1 is repealed August 1, 1993."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 333, A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; revising liability provisions; imposing a penalty; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; 84.92, subdivision 1, and by adding subdivisions; 84.922, subdivisions 1 and 5, and by adding subdivisions; 84.924, subdivision 3; 84.9256, subdivisions 1, 2, and 3; 84.928, subdivisions 1, 2, and 6; 84.929; and 171.03; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; and 84.928, subdivision 7.

Reported the same back with the following amendments:

Page 3, line 12, strike "and"

Page 3, line 17, strike the period and insert "and

(o) a loss incurred by a visitor to the Minnesota zoological garden, except that the state is liable for conduct that would entitle a trespasser to damages against a private person."

Page 7, after line 9, insert:

"(e) Notwithstanding any contrary provisions in this section or section 84.928, a person under 12 years of age may operate an all-terrain vehicle powered by an engine under 90 cubic centimeters in size on public lands, public waters, public all-terrain vehicle trails, and on those public roads and road rights-of-way where a driver's license is not required if accompanied by a parent or guardian."

Page 11, delete section 20 and insert:

"Sec. 20. Minnesota Statutes 1988, section 169.02, subdivision 1, is amended to read:

Subdivision 1. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except:

(1) where a different place is specifically referred to in a given section;

(2) the provisions of sections 169.09 to 169.13 apply to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within this state."

Amend the title as follows:

Page 1, line 4, before the first semicolon insert "regarding recreational areas and the Minnesota zoological garden"

Page 1, line 9, before the second "and" insert "169.02, subdivision 1;"

Page 1, line 10, delete everything after the semicolon

Page 1, line 11, delete everything before "repealing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 340, A bill for an act relating to charitable gambling; making sales of pull-tabs and tipboards to exempt organizations exempt from state tax; amending Minnesota Statutes 1988, section 349.212, subdivision 4.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 367, A bill for an act relating to employment; providing a medical leave of absence and a leave to care for family members; amending Minnesota Statutes 1988, sections 181.940, subdivision 1, and by adding subdivisions; 181.942; 181.943; 181.944; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1988, section 181.940, subdivision 3, is amended to read:

Subd. 3. [EMPLOYER.] For the purposes of leaves of absence under section 181.941, "employer" means a person or entity that employs 21 or more employees at at least one site and. For the purposes of leaves under section 181.945, employer means a person or entity that employs one or more employees in Minnesota. Employer includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Page 1, lines 19 to 20, delete "needs the care of an adult" and insert "is a dependent of the employee or employee's spouse"

Page 2, line 1, before the period insert "or accredited Christian Science practitioner"

Page 3, line 28, delete "two weeks" and insert "ten work days"

Page 3, line 30, after "parent" insert ", including a parent-in-law,"

Page 3, line 31, before the semicolon insert ", as medically necessary"

Page 3, line 32, delete "or other school visits"

Page 3, line 33, after "child" insert ", provided the conference cannot be scheduled during nonwork hours"

Page 3, line 36, delete "two weeks" and insert "ten work days"

Page 4, line 1, after the period insert "The leave may be taken only as medically necessary."

Page 4, line 25, after "child" insert ", for such reasonable periods as the employee's attendance may be necessary,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivision 1" and insert "subdivisions 1, 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 374, A bill for an act relating to utilities; establishing circumstances under which certain utility customers may be considered as being located outside municipalities.

Reported the same back with the following amendments:

Page 1, line 14, delete "outside" and insert "within"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Financial Institutions and Housing to which was referred:

H. F. No. 399, A bill for an act relating to housing; regulating the powers and duties of the housing finance agency; amending Minnesota Statutes 1988, sections 462A.03, subdivision 12; 462A.05, subdivisions 4, 14a, 20, 21, and 27, and by adding subdivisions; 462A.07, subdivision 14, and by adding a subdivision; and 462A.21, subdivisions 4c and 12, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 462A.03, subdivision 12, is amended to read:

Subd. 12. "Eligible security" means any security payable from or evidencing an interest in mortgages securing, all or a portion of which secure loans to finance financing residential housing.

Sec. 2. Minnesota Statutes 1988, section 462A.05, subdivision 4, is amended to read:

Subd. 4. It may purchase and enter into commitments for the purchase of eligible securities, certificates of deposit, time deposits, or existing mortgage loans from banks, savings and loan associations, insurance companies, or other financial intermediaries, provided that the agency shall first determine that all or a portion of the proceeds of such instruments will be utilized for the purpose of making to make loans for residential housing as defined in section 462A.03, subdivision 7, or all or a portion of the instruments are backed by or otherwise evidence an interest in existing mortgages securing mortgage loans to finance residential housing. In the case of eligible securities backed by existing mortgages, the proceeds must be used in whole or in part either for making loans for residential housing or for preserving the use of existing residential housing by persons and families of low and moderate income.

Sec. 3. Minnesota Statutes 1988, section 462A.05, subdivision 14a, is amended to read:

Subd. 14a. It may make loans to persons and families of low and moderate income to rehabilitate or to assist in rehabilitating existing residential housing owned and occupied by those persons or families. No loan shall be made unless the agency determines that the loan will be used primarily for rehabilitation work necessary for health or safety, essential accessibility improvements, or to improve the energy efficiency of the dwelling. No loan for rehabilitation of owner occupied residential housing shall be denied solely because

the loan will not be used for placing the residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. The amount of any loan shall not exceed the lesser of (a) ~~\$7,500~~ \$9,000, or (b) the actual cost of the work performed, or (c) that portion of the cost of rehabilitation which the agency determines cannot otherwise be paid by the person or family without the expenditure of an unreasonable portion of the income of the person or family. In making loans, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion of the loan will be repaid and shall determine the appropriate security for the repayment of the loan. Loans pursuant to this subdivision may be made with or without interest or periodic payments. No loan under this subdivision shall be denied solely on the basis of the inability of the applicant to make periodic loan payments. Loans made without interest or periodic payments need not be repaid by the borrower if the property for which the loan is made has not been sold, transferred or otherwise conveyed nor has it ceased to be the principal place of residence of the borrower, within ten years after the date of the loan.

Sec. 4. Minnesota Statutes 1988, section 462A.05, subdivision 20, is amended to read:

Subd. 20. The agency may make loans or grants solely to for-profit, limited dividend, or nonprofit sponsors, as defined by the agency, for residential housing to be used to provide temporary or transitional housing to low and moderate income persons and families having an immediate need for temporary or transitional housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing or other cause defined by the agency. Loans or grants pursuant to this subdivision shall not be used for residential care facilities or for facilities that provide housing available for occupancy on less than a 24-hour continuous basis. To the extent possible, a nonprofit sponsor shall combine the loan or grant with other funds obtained from public and private sources. In making loans or grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and the appropriate security should repayment be required.

Sec. 5. Minnesota Statutes 1988, section 462A.05, subdivision 21, is amended to read:

Subd. 21. The agency may make or purchase loans to owners of rental property that is occupied or intended for occupancy primarily by low and moderate income tenants and which does not comply with the standards established in section 116J.27, subdivision 3, for the purpose of energy improvements necessary to bring the property into full or partial compliance with these standards. For property which meets the other requirements of this subdivision and, in

addition, is at least 15 years old, a loan may also be used for moderate rehabilitation of the property. The authority granted in this subdivision is in addition to and not in limitation of any other authority granted to the agency in this chapter. The limitations on eligible mortgagors contained in section 462A.03, subdivision 13, do not apply to loans under this subdivision. Loans for the improvement of rental property pursuant to this subdivision may contain provisions that repayment is not required in whole or in part subject to terms and conditions determined by the agency to be necessary and desirable to encourage owners to maximize rehabilitation of properties.

Sec. 6. Minnesota Statutes 1988, section 462A.05, subdivision 27, is amended to read:

Subd. 27. The agency, or the corporations referred to in subdivision 26, may acquire property or property interests under subdivisions 25 and 26 and section 462A.06, subdivision 7, for the following purposes: (1) to protect a loan or grant in which the agency or corporation has an interest; or (2) to preserve for the use of low- and moderate-income persons or families multifamily housing; previously financed by the agency, which was (a) previously financed by the agency, or (b) not financed by the agency but is benefited by federal housing assistance payments or other rental subsidy or interest reduction contracts. Property or property interests acquired for the purpose specified in clause (1) may be acquired by foreclosure, deed in lieu of foreclosure, or otherwise.

Multifamily property acquired as provided in clause (2) must be managed on a fee basis by an entity other than the agency or corporation. The agency or corporation may manage the property on a temporary basis until an agreement is entered into with another entity to manage the property. The agency or corporation shall make the property available for sale at a purchase price and on terms that are mutually agreeable to the parties.

Sec. 7. Minnesota Statutes 1988, section 462A.05, is amended by adding a subdivision to read:

Subd. 30. [ASSIGNMENT OF NOTES AND MORTGAGES.] It may invest in, purchase, acquire, and take assignments of existing notes and mortgages not closed for the purpose of sale to the agency, from lenders that are nonprofit or nonprofit entities, as defined in the agency's rules, provided that: (1) the notes and mortgages evidence loans for the construction, rehabilitation, purchase, improvement, or refinancing of residential housing intended for occupied by low- and moderate-income persons and families; and (2) the loan sellers utilize the funds derived from the purchases in accordance with the authority contained in section 462A.07, subdivision 12, for the purposes and objectives of sections 462A.02, 462A.03, 462A.05, 462A.07, and 462A.21; and (3) the purchases are subject to

security and limitations on the costs and expenses of the loan sellers incidental to the utilization of the purchase proceeds as the agency may determine. The proceeds of the purchases authorized by this subdivision shall not be subject to the limitations of section 462A.21, subdivisions 4k, 6, 9, and 12.

Sec. 8. Minnesota Statutes 1988, section 462A.05, is amended by adding a subdivision to read:

Subd. 31. It may agree to purchase, make, or otherwise participate in the making and enter into commitments for the purchase, making, or participation in the making of loans to provide financing for residential housing for occupancy by persons and families of low and moderate income that qualifies for and will be utilized so as to obtain the benefits of low-income housing credits under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1988. The limitations on eligible mortgagors contained in section 462A.03, subdivision 13, do not apply to loans under this subdivision, and the loans may be insured or uninsured and may be made with security, or may be unsecured, as the agency deems advisable.

Sec. 9. Minnesota Statutes 1988, section 462A.05, is amended by adding a subdivision to read:

Subd. 32. The agency may obtain the appointment of receivers or assignments of rents and profits under sections 559.17 and 576.01 except that the limitation relating to the minimum amounts of the original principal balances of mortgages contained in sections 559.17, subdivision 2, clause (2), and 576.01, subdivision 2, shall be inapplicable to it.

Sec. 10. Minnesota Statutes 1988, section 462A.05, is amended by adding a subdivision to read:

Subd. 33. The agency may establish a fund to coinsure loans, with a division of risk as determined by the agency, that are made by any banking institution, savings and loan association, or other lender approved by the agency, organized under the laws of this or any other state or of the United States having an office in this state, to low- and moderate-income purchasers of residential housing to be occupied by them, or to low- and moderate-income persons or families for improvements to residential properties that they occupy as their principal places of residence, provided that loan insurance on comparable terms and conditions is not otherwise available in the areas where the borrowers' properties are situated.

Sec. 11. Minnesota Statutes 1988, section 462A.07, is amended by adding a subdivision to read:

Subd. 2a. It may provide underwriting, loan processing, and closing services on behalf of other lenders where those services are not otherwise available and the loans relate to residential housing for occupancy by low- and moderate-income persons and families. The agency may charge fees for those services in amounts determined by the members to be reasonable.

Sec. 12. Minnesota Statutes 1988, section 462A.07, subdivision 14, is amended to read:

Subd. 14. It may engage in housing programs for low and moderate income American Indians developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In furtherance of the policy of economic integration stated in section 462A.02, subdivision 6, it may engage in housing programs for American Indians residing on reservations who are not persons of low or moderate income, and the aggregate amount of such loans for each lender's fiscal year shall not exceed a sum which is 25 percent of the total amount of funds available during the lender's fiscal year. In developing such housing programs the tribe, band, or communities shall take into account the housing needs of all American Indians residing both on and off reservations within the state. A plan for each such program, which specifically describes the program (a) content, (b) utilization of funds, (c) administration, (d) operation, (e) implementation and other matter, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and section 462A.21, subdivisions 4b and 4c. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between American Indians residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery, financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians and the Sioux communities shall:

(a) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 462A.26 and to insure compliance with the provisions of this section and this chapter, and

(b) shall agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for American Indians, and related receipts and expenditures as provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses and services pursuant to subdivision 12, and section 462A.21. The agency may provide or cause to be provided essential general technical services as set forth in subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home ownership counseling as set forth in subdivision 3. Members of boards, committees, or other governing bodies of the tribe, band, and communities administering the programs authorized by this subdivision must be compensated for those services as provided in section 15.0575. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 14.

Sec. 13. Minnesota Statutes 1988, section 462A.21, subdivision 4c, is amended to read:

Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to subdivision 4b, to ~~low and moderate income~~ American Indians as provided in section 462A.07, subdivision 14, and may pay the costs and expenses necessary and incidental to the development and operation of such programs.

Sec. 14. Minnesota Statutes 1988, section 462A.21, subdivision 12, is amended to read:

Subd. 12. It may make loans or grants for the purpose of section 462A.05, subdivision 20, and may pay the costs and expenses necessary and incidental to the loan or grant program authorized therein. Grants pursuant to section 462A.05, subdivision 20 may be made only with specific appropriations by the legislature.

Sec. 15. Minnesota Statutes 1988, section 462A.21, is amended by adding a subdivision to read:

Subd. 4l. It may expend money for the purposes of section 462A.05, subdivision 33, and may pay the costs and expenses for the development and operation of the program."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 403, A bill for an act relating to human services; giving subpoena power to the ombudsman for mental health and retardation; requiring reporting of death or serious injury; amending Minnesota Statutes 1988, sections 245.91, by adding a subdivision; and 245.94, subdivision 1, and by adding a subdivision.

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. 472, A bill for an act relating to transportation; motor carriers; increasing maximum length of certain semitrailers; amending Minnesota Statutes 1988, section 169.81, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1988, section 169.01, is amended by adding a subdivision to read:

Subd. 74. [MOBILE CRANE.] "Mobile crane" means a vehicle (1) not designed or used to transport persons or property, (2) operated only incidentally on the highway and not subject to vehicle registration under chapter 168, and (3) comprising a boom and hoisting mechanism used in the construction industry. Mobile crane does not include a motor vehicle, designed to transport persons or property, to which a boom, hoist, crane, or other machinery has been attached."

Page 1, line 9, strike "45" and insert "48"

Renumber the section in sequence

Page 2, after line 26, insert:

"Sec. 3. Minnesota Statutes 1988, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEES.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and

credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

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

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

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

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

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

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

(4) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3).

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

(1) ~~truck~~ mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

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

(5) double-deck buses;

(6) commercial boat hauling.

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

Overweight Axle Group Cost Factors

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

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

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

Gross Weight (pounds) of vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) for vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to

\$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

Sec. 4. [COST ALLOCATION STUDY.]

Subdivision 1. [STUDY REQUIRED.] The commissioner of transportation shall contract with a qualified and impartial consultant to conduct a study of how the costs of state and local highways in Minnesota, including costs and revenues attributable to federal aid programs, are allocated among users. This study shall:

(1) determine the costs of designing, constructing, administering, and maintaining state and local highways in Minnesota;

(2) determine the extent to which those costs are attributable to various classes of vehicles using those highways;

(3) determine the extent to which various classes of vehicles contribute revenue, including federal highway user taxes, for the design, construction, administration, and maintenance of those highways; and

(4) recommend changes in highway financing which would make the payments of various classes of vehicles for the design, construction, administration, and maintenance of state and local highways more nearly equal the costs those classes impose on those highways.

The commissioner shall regularly consult with the commissioner's motor carrier advisory board on the design of the request for proposals for the study, the selection of the consultant to perform the study, and the periodic review and evaluation of the study.

Subd. 2. [REPORT.] The commissioner shall report the results of the study to the chairs of the senate and house committees on transportation not later than October 1, 1991."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "defining mobile cranes and providing for their maximum length; requiring a highway cost allocation study;"

Page 1, line 4, delete "section" and insert "sections 169.01, by adding a subdivision;" and before the period insert "; and 169.86, subdivision 5"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 485, A bill for an act relating to resource development; establishing a legislative commission on minerals; appropriating money; amending Minnesota Statutes 1988, section 116J.61.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 513, A bill for an act relating to the office of the secretary of state; establishing a procedure for contesting the registration of a corporation, limited partnership, or assumed name, or a trade or service mark with the secretary of state; providing that the office of the secretary of state is not liable for registrations; proposing coding for new law in Minnesota Statutes, chapter 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [5.22] [CONTEST OF REGISTRATION OF NAME.]

Subdivision 1. [NOTICE OF CONTEST; DEPOSIT.] A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state by filing an acknowledged notice of contest with the secretary of state and sending a copy of the notice of contest to the person who subsequently registered the contested name. The notice to the secretary of state must be accompanied by a \$100 deposit, which the secretary of state shall award to the prevailing party in the contest.

Subd. 2. [PROCEDURE.] (a) Upon receipt of a notice of contest, the secretary of state shall ask each party to the contest to submit within 30 days an affidavit setting forth the facts, opinions, and arguments for or against the retention of the contested name on the records of the secretary of state. The secretary of state shall review the affidavits and shall make a decision or order a hearing to be held within 30 days.

(b) If a hearing is ordered, the parties shall meet with the secretary of state before the hearing and attempt to settle the contest.

(c) If a settlement is not reached, the secretary of state shall hold

a hearing. At the hearing, the secretary of state may consider evidence presented by the parties relating to the factual or legal issues raised by the contest. A record of the hearing is not required. The hearing is not a contested case hearing under chapter 14.

Subd. 3. [STANDARD OF REVIEW.] The secretary of state may order that the contested name be changed on the records of the secretary of state if it is likely that the use of the names will cause confusion, mistake, or deception among the public when applied to the goods or services provided by the businesses. In determining whether confusion, mistake, or deception is likely, the secretary of state shall consider:

- (1) the strength or unique nature of the names;
- (2) the similarity of sound, appearance, or meaning of the names;
- (3) the intent of the parties;
- (4) the type of businesses engaged in or to be engaged in by the parties;
- (5) the geographic market areas served by each party and the manner of distribution and marketing used in those areas;
- (6) the nature and quality of goods or services provided by the parties;
- (7) the level of sophistication of potential purchasers of goods or services offered by the parties;
- (8) whether the party contesting the subsequent registration of a name failed to make a timely objection or acquiesced to the use of the name so that it would be inequitable to prohibit its registration; and
- (9) whether the names in question are in fair use, have been abandoned, or are parodies of other names.

Subd. 4. [DECISION; ENFORCEMENT.] The secretary of state shall make a decision for one of the parties within ten days of the hearing and may order that the contested name be changed on the records of the office of the secretary of state and the relevant documents be amended by the secretary of state in a manner that results in a new name that is not the same as or deceptively similar to another name registered with the office of the secretary of state.

Subd. 5. [APPEAL.] A party may appeal the decision of the secretary of state to the district court within 20 days. The district

court shall consider the factual and legal issues without reference to the decision of the secretary of state.

Subd. 6. [LIABILITY.] The office of the secretary of state is not liable for damages incurred as a result of the registration of a name found to be the same or deceptively similar to another name already registered with the office of the secretary of state. The office of the secretary of state is not liable for damages that arise from the decision of the secretary of state in a contest under this section.

Sec. 2. Minnesota Statutes 1988, section 300.025, is amended to read:

300.025 [ORGANIZATION OF FINANCIAL CORPORATIONS.]

(a) Three or more persons may form a corporation for any of the purposes specified in section 47.12 by applying to the department of commerce and complying with all applicable organizational requirements and the conditions set out in clauses (1) to (7). However, no corporation may be formed under this section if it may be formed under the Minnesota business corporation act. The incorporators must subscribe a certificate specifying:

(1) the corporation's name, which must distinguish it from all other corporations authorized to do business in this state, and must contain the word "company," "corporation," "bank," "association," or "incorporated";

(2) the general nature of the corporation's business and its principal place of business;

(3) the period of its duration, if limited;

(4) the names and places of residence of the incorporators;

(5) the board in which the management of the corporation will be vested, the date of the annual meeting at which it will be elected, and the names and addresses of the board members until the first election, a majority of whom must always be residents of this state;

(6) the amount of capital stock, if any, how the capital stock is to be paid in, the number of shares into which it is to be divided, and the par value of each share; and, if there is to be more than one class, a description and the terms of issue of each class, and the method of voting on each class; and

(7) the highest amount of indebtedness or liability to which the corporation will at any time be subject.

The certificate may contain any other lawful provision defining and regulating the powers and business of the corporation, its officers, directors, trustees, members, and stockholders. However, a corporation subject to sections 48.27 and 51A.22, subdivision 2, may show its highest amount of indebtedness to be 30 times the amount of its capital and actual surplus.

(b) A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 3. Minnesota Statutes 1988, section 302A.115, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS; PROHIBITIONS.] The corporate name:

(a) Shall be in the English language or in any other language expressed in English letters or characters;

(b) Shall contain the word "corporation," "incorporated," or "limited," or shall contain an abbreviation of one or more of these words, or the word "company" or the abbreviation "Co." if that word or abbreviation is not immediately preceded by the word "and" or the character "&;

(c) Shall not contain a word or phrase that indicates or implies that it is incorporated for a purpose other than a legal business purpose;

(d) ~~Shall not be the same as, or deceptively similar to,~~ distinguishable upon the records in the office of the secretary of state from the name of a domestic corporation or limited partnership, whether profit or nonprofit, or a foreign corporation or limited partnership authorized or registered to do business in this state, whether profit or nonprofit, or a name the right to which is, at the time of incorporation, reserved or provided for in sections 302A.117, 322A.03, or 333.001 to 333.54, unless there is filed with the articles one of the following:

(1) The written consent of the domestic corporation or limited partnership or foreign corporation or limited partnership authorized or registered to do business in this state or the holder of a reserved name or a name filed by or registered with the secretary of state under sections 333.001 to 333.54 ~~having the same or a deceptively similar a name which is not distinguishable;~~

(2) A certified copy of a final decree of a court in this state establishing the prior right of the applicant to the use of the name in this state; or

(3) The applicant's affidavit that the corporation or limited partnership with the ~~same or deceptively similar~~ name which is not distinguishable has been incorporated or on file in this state for at least three years prior to the affidavit, if it is a domestic corporation or limited partnership, or has been authorized or registered to do business in this state for at least three years prior to the affidavit, if it is a foreign corporation or limited partnership, or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 filed or registered that name at least three years prior to the affidavit, and has not during the three-year period filed any document with the secretary of state; that the applicant has mailed written notice to the corporation or limited partnership or the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 by certified mail, return receipt requested, properly addressed to the registered office of the corporation or in care of the agent of the limited partnership, or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54, shown in the records of the secretary of state, that the applicant intends to use the ~~same or deceptively similar~~ a name which is not distinguishable and the notice has been returned to the applicant as undeliverable to the addressee corporation or limited partnership or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54; that the applicant, after diligent inquiry, has been unable to find any telephone listing for the corporation or limited partnership with the ~~same or deceptively similar~~ name which is not distinguishable in the county in which is located the registered office of the corporation shown in the records of the secretary of state or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 in the county in which is located the address of the holder shown in the records of the secretary of state; and that the applicant has no knowledge that the corporation or limited partnership or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 is currently engaged in business in this state.

Sec. 4. Minnesota Statutes 1988, section 302A.115, subdivision 3, is amended to read:

Subd. 3. [DETERMINATION.] The secretary of state shall determine whether a name is "~~deceptively similar~~" to "distinguishable" from another name for purposes of this section and section 302A.117.

Sec. 5. Minnesota Statutes 1988, section 302A.115, is amended by adding a subdivision to read:

Subd. 8. [CONTEST OF REGISTRATION OF NAME.] A person doing business in this state may contest the subsequent registration

of a name with the office of the secretary of state as provided in section 1.

Sec. 6. Minnesota Statutes 1988, section 302A.117, subdivision 1, is amended to read:

Subdivision 1. [WHO MAY RESERVE.] The exclusive right to the use of a corporate name otherwise permitted by section 302A.115 may be reserved by:

(a) A person doing business in this state under that name ~~or a name deceptively similar to that name;~~

(b) A person intending to incorporate under this chapter;

(c) A domestic corporation intending to change its name;

(d) A foreign corporation intending to make application for a certificate of authority to transact business in this state;

(e) A foreign corporation authorized to transact business in this state and intending to change its name;

(f) A person intending to incorporate a foreign corporation and intending to have the foreign corporation make application for a certificate of authority to transact business in this state; or

(g) A foreign corporation doing business under that name or a name deceptively similar to that name in one or more states other than this state and not described in clauses (d), (e), or (f).

Sec. 7. Minnesota Statutes 1988, section 303.05, is amended by adding a subdivision to read:

Subd. 4. [CONTEST OF REGISTRATION OF NAME.] A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 8. Minnesota Statutes 1988, section 308.06, subdivision 2, is amended to read:

Subd. 2. The incorporators of a cooperative association under sections 308.05 to 308.18 shall sign written articles of incorporation, specifying (1) the name of the association, its purpose, and the principal place of transacting its business. Such name shall distinguish it ~~from all other corporations, domestic or foreign assumed names, trade or service marks, limited partnerships or reserved corporate or limited partnership names, pursuant to the standards set forth in section 302A.115, doing business in the state upon the~~

records in the office of the secretary of state from the name of a domestic corporation, whether profit or nonprofit, or limited partnership, or a foreign corporation of a limited partnership authorized or registered to do business in this state, whether profit or nonprofit, or a name the right to which is, at the time of incorporation, reserved or provided for in sections 302A.117, 322A.03, or 333.001 to 333.54 and shall be preserved to it during its corporate existence; (2) the period of its duration, which may be limited or perpetual; (3) if organized on a capital stock basis the total authorized number of shares and the par value of each share; a description of the classes of shares, if the shares are to be classified; a statement of the number of shares in each class and relative rights, preferences, and restrictions granted to or imposed upon the shares of each class, and a provision that only common stockholders shall have voting power; (4) that individuals owning common stock shall be restricted to one vote in the affairs of the association; (5) that shares of stock shall be transferable only with the approval of the board of directors of the association; (6) that dividends upon capital stock of the association shall not exceed eight percent annually; (7) the names, post office addresses, and terms of office of the first directors; and (8) that net income in excess of dividends and additions to reserves shall be distributed on the basis of patronage, and that the records of the association may show the interest of patrons, stockholders of any classes, and members in the reserves. The articles of incorporation shall always contain the provisions above required and may contain any other lawful provision; except that the names, post office addresses, and terms of offices of the first directors may be omitted after their successors have been elected by the stockholders or when the articles are amended in their entirety. Cooperative associations may be incorporated for any of the purposes for which an association may also be formed upon a membership basis and without capital stock. Such associations organized on a capital stock basis may be organized, and shall have the same powers and authority as are conferred upon such associations, and the articles of incorporation of any such nonstock associations shall contain the provisions required in the articles of incorporation of an association organized upon a capital stock basis whenever the same are applicable to an association organized upon a membership basis. Except as provided for by section 308.07, subdivision 4, no member of an association organized upon a membership basis shall have more than one vote, and a membership shall be transferable only with the consent and approval of the board of directors of the association. Holders of shares of common stock which entitle the holder thereof to vote, shall be deemed to be members of associations organized on a capital stock basis. As used in sections 308.05 to 308.18, "stockholder," unless otherwise specified, means and includes only a holder of a share of common stock which entitles the holder thereof to vote.

Sec. 9. Minnesota Statutes 1988, section 308.06, is amended by adding a subdivision to read:

Subd. 5. [CONTEST OF REGISTRATION OF NAME.] A person

doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 10. If S.F. No. 848 is enacted in the 1989 legislative session, Minnesota Statutes, section 308.06, subdivision 5, as amended by section 9 of this act, is repealed and S.F. No. 848, article 1, section 8, is amended by adding a subdivision to read:

Subd. 3. [CONTEST OF REGISTRATION OF NAME.] A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 11. Minnesota Statutes 1988, section 317.09, subdivision 2, is amended to read:

Subd. 2. [USE OF SIMILAR NAME FORBIDDEN.] The corporate name shall ~~not be the same as, nor deceptively similar to,~~ distinguishable from the name of any assumed name, trade or service mark, or limited partnership, or domestic corporation, whether profit or nonprofit, or of any foreign corporation or foreign limited partnership, whether profit or nonprofit, authorized or registered to do business in this state or to any name reserved under section 302A.117 or 322A.03, unless there is filed with the articles a written consent, court decree of prior right, or affidavit of nonuse of the kind required by section 302A.115, subdivision 1, paragraph (d).

The secretary of state shall determine whether a name is "~~deceptively similar~~" "distinguishable" from to another name for purposes of this section. This section does not abrogate or limit the law of unfair competition or unfair practices, nor sections 333.001 to 333.54, nor the laws of the United States with respect to the right to acquire and protect copyrights, trademarks, service names, service marks, or any other rights to the exclusive use of names or symbols, nor derogate the common law or principles of equity.

Sec. 12. Minnesota Statutes 1988, section 317.09, is amended by adding a subdivision to read:

Subd. 4. [CONTEST OF REGISTRATION OF NAME.] A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 13. If S.F. No. 525 is enacted in the 1989 legislative session, Minnesota Statutes, section 317.09, subdivision 4, as amended by section 12 of this act, is repealed and S.F. No. 525, section 12, is amended by adding a subdivision to read:

Subd. 6. [CONTEST OF REGISTRATION OF NAME.] A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 14. Minnesota Statutes 1988, section 322A.02, is amended to read:

322A.02 [NAME.]

(a) The name of each limited partnership as set forth in its certificate of limited partnership:

(1) shall contain without abbreviation the words "limited partnership";

(2) may not contain the name of a limited partner unless (i) it is also the name of a general partner or the corporate name of a corporate general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(3) ~~may not shall~~ be the same as, or ~~deceptively similar to, distinguishable from~~ the name of a domestic corporation or limited partnership, ~~whether profit or nonprofit~~, or a foreign corporation or limited partnership authorized or registered to do business in this state, ~~whether profit or nonprofit~~, or a name the right to which is reserved or provided for in the manner provided for in sections 302A.117, 322A.03, or 333.001 to 333.54, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of nonuse, of the kind required by section 302A.115, subdivision 1, paragraph (d); and

(4) may not contain the following words: corporation, incorporated.

The secretary of state shall determine whether a name is "~~deceptively similar~~" to "distinguishable" from another name for purposes of this section and section 322A.03. This section does not abrogate or limit the law of unfair competition or unfair practices, nor sections 333.001 to 333.54, nor the laws of the United States with respect to the right to acquire and protect copyrights, trademarks, service names, service marks, or any other rights to the exclusive use of names or symbols, nor derogate the common law or principles of equity.

(b) A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 15. Minnesota Statutes 1988, section 322A.72, is amended to read:

322A.72 [NAME.]

(a) A foreign limited partnership may register with the secretary of state under any name (whether or not it is the name under which it is registered in its state of organization) that includes without abbreviation the words "limited partnership" and that could be registered by a domestic limited partnership.

(b) A person doing business in this state may contest the subsequent registration of a name with the office of the secretary of state as provided in section 1.

Sec. 16. Minnesota Statutes 1988, section 333.055, subdivision 4, is amended to read:

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of sections 333.001 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may be the same as, or similar to, not be distinguishable from one or more other assumed names already filed with the secretary of state. In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each previously filed business holding a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing. The secretary of state shall not accept for filing a certificate that discloses an assumed name that is the same as, or ~~deceptively similar to,~~ not distinguishable from a corporate, or limited partnership name in use or reserved in this state by another or a trade or service mark registered with the secretary of state, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of nonuser of the kind required by section 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name is "~~deceptively similar~~" to distinguishable from another name for purposes of this subdivision."

Delete the title and insert:

"A bill for an act relating to commerce; regulating the use of names for certain business entities; providing a procedure for contesting the registration of a name; amending Minnesota Statutes 1988, sections 300.025; 302A.115, subdivisions 1, 3, and by adding a subdivision; 302A.117, subdivision 1; 303.05, by adding a subdivision; 308.06, subdivision 2, and by adding a subdivision; 317.09, subdivision 2, and by adding a subdivision; 322A.02; 322A.72; and 333.055, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 516, A bill for an act relating to metropolitan government; requiring the metropolitan council to prepare water use and supply plans; proposing coding for new law in Minnesota Statutes, chapter 473.

Reported the same back with the following amendments:

Page 1, line 23, delete "July 1, 1989" and insert "February 1, 1990"

Page 1, line 25, after the period insert "The plans must be prepared in consultation with the Army Corps of Engineers, the Leech Lake Reservation business committee, the Mississippi headwaters board, and the environmental quality board."

Page 2, line 4, delete "This act" and insert "Section 1"

Page 2, after line 6, insert:

"Sec. 3. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of natural resources for transfer to the metropolitan council to pay expenses of preparing the plans required by section 1."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

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

The report was adopted.

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

H. F. No. 555, A bill for an act relating to charitable gambling; including within the definition of "lawful purpose" certain expenditures for the erection, acquisition, maintenance and repair of real property; transferring authority to license video games of chance

from the department of public safety to the charitable gambling control board; amending Minnesota Statutes 1988, sections 349.12, subdivision 11; 349.50, subdivision 2; 349.51, subdivisions 1, 2, and 5; 349.52; 349.53; 349.54; 349.56; and 349.59; repealing Minnesota Statutes 1988, section 349.50, subdivision 3.

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 585, A bill for an act relating to employment; expanding eligibility for unemployment insurance to include participants of training programs; providing transitional services through the youth employment program; expanding services under the wage subsidy program; establishing an early warning system for plant closings; creating a rapid response program; providing for prefeasibility study grants; creating a subemployment index; appropriating money; amending Minnesota Statutes 1988, sections 268.08, subdivision 1; 268.31; and 268.677, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Page 3, delete lines 28 to 35 and insert:

"The commissioner must implement an evaluation mechanism for the services provided under this section. The mechanism must measure the effectiveness of program goals and services in promoting the long-term employability of young people. The mechanism should include a component that follows a participant's progress after the participant has completed the program to measure the long-term effectiveness of the program."

Page 5, line 3, delete "permanent closure" and insert "plant closing"

Page 5, line 4, delete "of"

Page 5, line 12, delete "general" and insert "structural changes in the"

Page 5, line 26, after "permanent" insert "or temporary".

Page 5, line 30, delete "25" and insert "(i) 50" and delete "any part-time"

Page 5, line 31, before the period insert "who work less than 20 hours per week; or (ii) at least 500 employees who in the aggregate work at least 20,000 hours per week, exclusive of hours of overtime" and delete everything after the period

Page 5, delete lines 32 to 34.

Page 6, after line 1, insert:

"Subd. 8. [SUBSTANTIAL LAYOFF.] "Substantial layoff" means a reduction in the work force, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for (i) at least 50 employees excluding those employees that work less than 20 hours a week; or (ii) at least 500 employees who in the aggregate work at least 20,000 hours per week, exclusive of hours of overtime."

Page 6, line 7, delete "or" and insert "including a"

Page 6, line 8, delete "closures" and insert "closing or a substantial layoff."

Page 6, lines 17 and 18, delete "or plant closures"

Page 6, line 32, after "closing" insert ", substantial layoff."

Page 7, line 6, before the period insert "and substantial layoffs"

Page 7, line 9, after "closing" insert "or substantial layoff"

Page 7, line 14, before the comma insert "or substantial layoff"

Page 7, line 18, before the semicolon insert "or substantial layoff"

Page 7, lines 23, 26, and 36, after "closings" insert "or substantial layoffs"

Page 8, lines 4 and 9, before the period insert "or substantial layoffs"

Page 8, line 20, before the first comma insert "or substantial layoff"

Page 8, line 33, after "close" insert "or experience a substantial layoff"

Page 11, line 11, delete everything after "council"

Page 11, line 12, delete everything before "to"

Page 11, line 13, delete everything after "workers" and insert "as defined in section 4, subdivision 3, clause (2). The governor's job council may award grants under this subdivision to organizations to assist dislocated workers who have been dislocated as a result of a plant closing or layoff that did not meet the threshold levels as provided for in section 4, subdivisions 6 and 8, if the council determines that the plant closing or layoff has a significant effect on the community."

Page 11, delete line 14

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

The report was adopted.

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

H. F. No. 590, A bill for an act relating to agriculture; requiring certain disposable waste containers to be degradable; requiring a minimum content of corn starch in certain disposable waste containers; amending Minnesota Statutes 1988, section 325E.045, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 14, delete "only"

Page 2, line 15, delete "or" and insert "and"

Page 2, line 26, after "certifies" insert "under section 2"

Page 2, line 27, delete "as defined in subdivision 1" and after "are" insert "commercially"

Amend the title as follows:

Page 1, line 6, delete "a subdivision" and insert "subdivisions"

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

The report was adopted.

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

H. F. No. 610, A bill for an act relating to the environment; authorizing the pollution control agency to assist persons in reviewing real property for petroleum tank releases and to be paid for such assistance; authorizing expenditures from the petroleum tank release compensation fund; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; requiring notification by owners of aboveground tanks; amending Minnesota Statutes 1988, sections 115C.03, by adding a subdivision; 115C.08, subdivision 4; 115C.09; and 116.48.

Reported the same back with the following amendments:

Page 4, line 20, strike "\$100,000" and insert "\$250,000. No more than this amount may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement"

Page 4, after line 36, insert:

"Subd. 3b. [VOLUNTEER ELIGIBILITY.] Notwithstanding the provisions of subdivisions 1 to 3, a person who is not a responsible person under section 115C.02, who holds legal or equitable title to the property where a release occurred, and who incurs reimbursable costs after the date of final enactment of this subdivision may apply to the board for partial reimbursement under subdivision 3. A person eligible for reimbursement under this subdivision must, to the maximum extent possible, comply with the same conditions and requirements of reimbursement as those imposed by this section on a responsible person. The board may reduce the reimbursement to a person eligible under this subdivision if the person acquired legal or equitable title to the property from a responsible person who failed to comply with the provisions of subdivision 2, paragraph (c)."

Page 7, after line 27, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 618, A bill for an act relating to corrections; requiring the commissioner of corrections to make high school diploma equivalency programs available to inmates; denying "good time" sentence reductions to inmates who do not have a high school diploma and who fail to participate in these educational programs; amending Minnesota Statutes 1988, sections 244.03; and 244.04, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 244.03, is amended to read:

244.03 [VOLUNTARY PROGRAMS.]

The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. In addition, the commissioner shall provide a high school diploma equivalency program and make it available to any inmate who lacks a high school diploma and who desires to participate in the program. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for such programs.

No action challenging the level of expenditures for programs authorized under this section; nor any action challenging the selection, design or implementation of these programs, may be maintained by an inmate in any court in this state.

Sec. 2. Minnesota Statutes 1988, section 244.05, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. Except as otherwise provided in subdivision 1a, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Sec. 3. Minnesota Statutes 1988, section 244.05, is amended by adding a subdivision to read:

Subd. 1a. [REDUCTION IN SUPERVISED RELEASE PERIOD.] An inmate who does not have a high school diploma or its equivalent who enrolls in and completes a program to obtain a high school diploma or its equivalent is eligible to receive an adjustment of up to 36 days to the supervised release date. Inmates may be credited three days per month up to a maximum of 36 days only if the program is successfully completed."

Delete the title and insert:

"A bill for an act relating to corrections; requiring the commissioner of corrections to make high school diploma equivalency programs available to inmates; providing a reduction in an inmate's supervised release term if the inmate completes such a program; amending Minnesota Statutes 1988, sections 244.03; and 244.05, subdivision 1, and by adding a subdivision."

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

The report was adopted.

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

H. F. No. 662, A bill for an act relating to state parks; promoting the 100th anniversary of the state park system; appropriating money.

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

The report was adopted.

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

H. F. No. 701, A bill for an act relating to environment; eliminating the PCB exemption program; repealing Minnesota Statutes 1988, sections 116.36; and 116.37.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 721, A bill for an act relating to education; requiring a uniform procedure for assessing post-secondary students to determine remedial needs; appropriating money.

Reported the same back with the following amendments:

Page 1, line 15, after the period insert "Information should be shared with appropriate secondary systems."

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

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 722, A bill for an act relating to economic development; providing for funding of grants to nonprofit economic development organizations; appropriating money.

Reported the same back with the following amendments:

Page 1, delete line 25, and insert "Women's Economic Development Corporation and the Minnesota Cooperation Office for Small Business and Job Creation, Inc."

Page 2, line 1, delete everything before "The"

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

The report was adopted.

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

H. F. No. 811, A bill for an act relating to natural resources; changing certain provisions relating to the taking of turtles; amending Minnesota Statutes 1988, sections 97C.605, subdivision 3; and 97C.611; repealing Minnesota Statutes 1988, section 97C.615.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 97A.475, subdivision 41, is amended to read:

Subd. 41. [TURTLE SELLERS.] The fee for a license to take, transport, purchase, and possess ~~unprocessed~~ turtles for sale is \$50.

Sec. 2. Minnesota Statutes 1988, section 97C.605, subdivision 2, is amended to read:

Subd. 2. [SALES LICENSE.] A person may not take, possess, transport, or purchase ~~unprocessed~~ turtles for sale without a turtle seller's license. A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner. A turtle seller's license is not required to buy turtles for retail sale to consumers:

(1) at a location licensed by the department of agriculture or health for sale or preparation of food;

(2) of a person licensed by the department of agriculture or health for sale or preparation of food; or

(3) of a person buying turtle at a retail outlet.

Sec. 3. Minnesota Statutes 1988, section 97C.605, subdivision 3, is amended to read:

Subd. 3. [TAKING; METHODS PROHIBITED.] (a) Except as allowed in paragraph (b), a person may take turtles in any manner, except by use of:

(1) explosives, drugs, poisons, lime, and other harmful substances, or by the use of;

(2) turtle hooks or traps; or

(3) nets other than anglers' fish landing nets.

(b) A person with a turtle seller's license may take turtles for sale as prescribed by the commissioner.

Sec. 4. Minnesota Statutes 1988, section 97C.611, is amended to read:

97C.611 [SNAPPING TURTLES; LIMITS.]

A person may not possess more than ~~ten~~ three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. ~~The size of the turtles must have a dorsal surface of the shell that measures at least ten inches long.~~ A person may not take snapping

turtles of a size less than ten inches wide including curvature, measured from side to side across the shell at midpoint.

Sec. 5. [REPEALER.]

Minnesota Statutes 1988, section 97C.615, is repealed.

Amend the title as follows:

Page 1, line 4, after "sections" insert "97A.475, subdivision 41;" and delete "subdivision" and insert "subdivisions 2 and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 815, A bill for an act relating to criminal procedure; authorizing the attorney general, county attorneys, the bureau of criminal apprehension, and law enforcement agencies to issue administrative subpoenas to require production of records; creating crimes that prohibit warning subjects of investigations, electronic surveillance, or search warrants; repealing the sunset provision of the wiretap law; imposing penalties; amending Laws 1988, chapter 577, section 63; proposing coding for new law in Minnesota Statutes, chapters 8; 299C; 388; 609; and 626A; repealing Laws 1988, chapter 577, section 62.

Reported the same back with the following amendments:

Page 1, line 23, delete "banks and other financial institutions,"

Page 1, line 25, after the first comma insert "and"

Page 1, lines 27 and 28, delete ", and employers of persons suspected of criminal activity"

Page 1, line 29, delete "a" and insert "an ongoing"

Page 2, line 1, delete "inquiry" and insert "investigation"

Page 2, line 2, delete "SERVICE" and insert "ENFORCEMENT" and delete everything after "subpoena"

Page 2, line 3, delete everything before the second "the" and insert "shall be enforceable through"

Pages 2 to 4, delete section 2

Page 4, lines 17 and 18, delete "banks and other financial institutions."

Page 4, line 19, after the first comma insert "and"

Page 4, line 22, delete everything after "delivery"

Page 4, line 23, delete "activity"

Page 4, line 24, delete "a" and insert "an ongoing" and delete "inquiry" and insert "investigation"

Page 4, line 25, delete "SERVICE" and insert "ENFORCEMENT" and delete everything after "subpoena"

Page 4, line 26, delete everything before the second "the" and insert "shall be enforceable through"

Page 5, lines 16, 24, and 32, after the first comma insert "and with intent"

Page 6, line 3, delete ", 2, and 3," and insert "and 2, and with intent"

Page 6, after line 8, insert:

"Sec. 5. Minnesota Statutes 1988, section 626A.06, subdivision 1, is amended to read:

Subdivision 1. [THE APPLICATIONS.] Each application for a warrant authorizing or approving the interception of a wire, electronic, or oral communication shall be made in writing upon oath or affirmation to a judge of the district court, of the court of appeals, or of the supreme court and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify the applicant's belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) except as provided in subdivision 11, a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the

identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire, electronic, or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each such application;

(f) where statements in the application are solely upon the information or belief of the applicant, the grounds for the belief must be given; and

(g) the names of persons submitting affidavits in support of the application."

Page 6, delete lines 10 to 25 and insert:

"Notwithstanding any other provision in sections 626A.01 to 626A.23, any investigative or law enforcement officer, specially designated by the attorney general or a county attorney, who:

(1) reasonably determines that:

(i) an emergency situation exists that involves immediate danger of death or serious physical injury to any person that requires a wire, oral, or electronic communication to be intercepted before a warrant authorizing such interception can, with due diligence, be obtained; and

(ii) there are grounds upon which a warrant could be issued under section 626A.01 to 626A.23 to authorize the interception; and

(2) obtains approval from a judge of the district court, of the court of appeals, or of the supreme court,

may intercept the wire, oral, or electronic communication. The judge's approval may be given orally and may be given in person or by using any medium of communication. The judge shall do one of the following: make written notes summarizing the conversation, tape record the conversation, or have a court reporter record the conversation. An application for a warrant approving the interception must be

Page 6, line 26, delete "48" and insert "36"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 3, delete the first comma and insert "and" and delete "the bureau of"

Page 1, line 4, delete everything before "to"

Page 1, line 9, after "amending" insert "Minnesota Statutes 1988, section 626A.06, subdivision 1; and"

Page 1, line 11, delete "299C;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 826, A bill for an act relating to the collection and dissemination of data; providing access to private and confidential data related to delinquent acts for law enforcement purposes; amending Minnesota Statutes 1988, sections 13.84, subdivision 5a; and 260.161, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, delete "and delinquent acts"

Page 1, line 15, delete the new language and after "criminal" insert "or delinquent"

Page 1, line 16, strike "where" and insert ", but only to the extent" and strike "are" and insert "is"

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

The report was adopted.

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

H. F. No. 831, A bill for an act relating to game and fish; season opening date for certain game fish; amending Minnesota Statutes 1988, section 97C.395, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 12, after "to" insert "the Saturday of" and after "Day" insert "weekend"

With the recommendation that when so amended the bill pass.

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 852, A bill for an act relating to retirement; authorizing employing units to provide early retirement reduction offset annuities to certain employees qualifying under a rule of 85; proposing coding for new law in Minnesota Statutes, chapter 356.

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

The report was adopted.

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

H. F. No. 856, A bill for an act relating to natural resources; establishing the Minnesota conservation corps; prescribing powers and duties of the commissioner of natural resources; amending Minnesota Statutes 1988, section 86.33; Laws 1988, chapter 690, article 1, section 21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [84.98] [MINNESOTA CONSERVATION CORPS.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota conservation corps is established and is under the supervision of the commissioner of natural resources.

Subd. 2. [PLAN.] (a) The commissioner of natural resources shall develop a plan for the Minnesota conservation corps to provide:

(1) equal opportunities of employment for youths with preference given to youths who are economically, socially, physically, or educationally disadvantaged and youths residing in areas of substantial unemployment;

(2) equal opportunity for female and male youths;

(3) summer youth programs and year-round young adult programs;

(4) ways in which exclusive bargaining representatives are to be involved in regard to the planning and implementation of positions and job duties of persons employed in projects;

(5) methods for coordinating the programs of the Minnesota conservation corps with other publicly authorized or subsidized programs in cooperation with the commissioners of education and jobs and training, the governor's job training council, and other state and local youth service and education entities;

(6) programs for participants to be assisted in gaining employment or training upon completing the projects, including, where feasible, in cooperation with the department of jobs and training and educational agencies, arranging for career assessment and planning services designed to enhance participant transition from the Minnesota conservation corps to future employment or education;

(7) a remedial education component utilizing, as resources permit and where feasible, the services of the department of jobs and training and educational agencies including instruction in life skills and basic remedial skills for participants who are deficient in the skills or who have not completed high school;

(8) the manner of allocating the services of Minnesota conservation corps members to the various divisions of the department of natural resources, to other state, local, and federal governmental conservation and natural resource managers, and to federally recognized Indian tribes or bands;

(9) standards of conduct and other operating guidelines for Minnesota conservation corps members; and

(10) a determination of preference for projects that will provide

long-term benefits to the public, will provide productive work and public service experience to Minnesota conservation corps members, will be primarily labor intensive, and will provide a significant return on taxpayer investment.

(b) The commissioner shall establish the plan notwithstanding chapters 3 and 14.

Subd. 3. [CRITERIA FOR DETERMINING ECONOMIC, SOCIAL, PHYSICAL, OR EDUCATIONAL DISADVANTAGE.] (a) The criteria for determining economic, social, physical, or educational disadvantage shall be determined as provided in this subdivision.

(b) Economically disadvantaged are persons who meet the criteria for disadvantaged established by the department of jobs and training or person receiving services provided by the department of human services such as welfare payments, food stamps, and aid to families with dependent children.

(c) Socially disadvantaged are persons who have been classified as persons in need of supervision by the court system.

(d) Physically disadvantaged are persons who have been identified as having special needs by public agencies that deal with employment for the disabled.

(e) Educationally disadvantaged are persons who have dropped out of school or are at risk of dropping out of school and persons with learning disabilities or in need of special education classes.

Subd. 4. [REQUIREMENTS FOR ELIGIBILITY FOR ENROLLMENT IN THE CORPS.] A person is eligible to enroll in the Minnesota conservation corps if the person is:

(1) a permanent resident of the state;

(2) unemployed or underemployed;

(3) at least age 15, but not older than age 26 years;

(4) free from medical or behavioral problems that would render an individual unable to adjust to the standards, discipline, or requirements of the corps; and

(5) in the young adult program, the person must have a high school diploma or equivalent, or agree to work towards a high school diploma or equivalent while participating in the program.

Subd. 5. [CORPS MEMBER STATUS.] Minnesota conservation corps members are not eligible for unemployment compensation or

other benefits except workers' compensation, and are not employees of the state within the meaning of section 43A.02, subdivision 21.

Subd. 6. [FEES.] The commissioner may charge a fee for any service performed by the Minnesota conservation corps.

Subd. 7. [LIMITATIONS ON MINNESOTA CONSERVATION CORPS PROJECTS.] Each employing agency must certify that the assignment of Minnesota conservation corps members will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay off, reduce the seasonal hours, or reduce the working hours of any employee for the purpose of using a corps member with available funds. The positions and job duties of persons employed in projects shall be submitted to affected exclusive representatives prior to actual assignment.

Subd. 8. [EXPENDITURE OF CORPS FUNDS.] The commissioner shall allocate money received for Minnesota conservation corps work projects. An appropriation from a special revenue fund or account to the commissioner for Minnesota conservation corps programs must be spent for projects that are consistent with the purposes of the fund or account from which the appropriation was made.

Sec. 2. [APPROPRIATION.]

\$1,000,000 in fiscal year 1990 and \$1,000,000 in fiscal year 1991 are appropriated from the general fund to the commissioner of natural resources for the 14 forested counties that operate land departments under Minnesota Statutes, chapter 282. The appropriation in the first year may be used in the second year. The money must be used for forestry-related programs using participants of the Minnesota conservation corps. A county participating in the program must make an in-kind contribution in the form of administration, tools, machinery, and transportation.

The money must be apportioned to the counties in the proportion that each county's managed commercial forest land is to the managed commercial forest land in all 14 counties. If a county does not use all of its share, the commissioner shall reallocate the balance to those of the 14 counties whose Minnesota conservation corps program was not fully supported by the first allocation for either year. The reallocation must be based on the proportion that commercial forest lands in each county to receive the reallocated money is to the managed commercial forest land in all of the counties receiving a reallocation.

Sec. 3. [REPEALER.]

Minnesota Statutes 1988, section 84.965, subdivisions 1 and 2, are repealed.

Sec. 4. [EFFECTIVE DATE.]

This act is effective July 1, 1989."

Delete the title and insert:

"A bill for an act relating to natural resources; establishing the Minnesota conservation corps; prescribing powers and duties of the commissioner of natural resources; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 1988, section 84.965, subdivisions 1 and 2."

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

The report was adopted.

Begin from the Committee on Labor-Management Relations to which was referred:

H. F. No. 909, A bill for an act relating to workers' compensation; providing coverage for preventive rabies treatment; amending Minnesota Statutes 1988, section 176.135, subdivision 1.

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

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 940, A bill for an act relating to taxation; property tax; allowing cities and counties to adopt a two-rate tax structure; proposing coding for new law in Minnesota Statutes, chapter 273.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.]

The purpose of sections 1 to 5 is to permit local governments to raise revenue in a manner that stimulates the private economy, encourages housing construction and repair, generates job opportunities, and fosters development that reduces the premature invasion of farmland and open space.

Sec. 2. [273.1121] [CITATION.]

Sections 2 to 5 may be cited as the "pro-enterprise tax act."

Sec. 3. [273.1122] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 5.

Subd. 2. [ASSESSOR.] "Assessor" means the assessment official responsible for determining the value of real property for tax purposes each tax year in a city or county.

Subd. 3. [LAND.] "Land" means a bare site, disregarding any structures made by humans and improvements that blend with the land after a period of time, such as clearing, grading, fertilizing, or draining.

Subd. 4. [IMPROVEMENTS.] "Improvements" means houses, garages, barns, commercial buildings, factories, orchards, private roads, and other features on a site made by humans.

Subd. 5. [MARKET VALUE.] "Market value" means the price at which land and improvements, separately or together, would sell in an arm's length sale as determined from actual sales, comparable sales, or other prescribed and acceptable appraisal methods used by the assessor, as provided in section 273.11.

Subd. 6. [TAX CAPACITY RATE.] "Tax capacity rate" means the charge against the tax capacity of a city's or county's taxable property imposed to produce its property tax revenues.

Subd. 7. [TWO-RATE TAX.] "Two-rate tax" means a tax structure with higher tax capacity rates on land values and lower tax capacity rates on improvement values.

Sec. 4. [273.1123] [ADOPTION OF TWO-RATE TAX.]

Subdivision 1. [ORDINANCE.] The governing body of a home rule charter or statutory city or county may, by ordinance, adopt a two-rate tax.

Subd. 2. [LIMITATIONS.] Sections 2 to 5 do not permit, where

they do not otherwise exist, taxes that impose nonuniform rates on different use classes, such as residential or commercial properties.

Land and improvements must be assessed uniformly at the identical percentage of market value within each of the classes.

Sec. 5. [273.1124] [APPLICATION WITHIN JURISDICTION.]

A jurisdiction shall apply the two-rate tax system to all property taxes levied within that jurisdiction's geographic boundaries.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective for taxes levied in 1990 and payable in 1991 and subsequent years."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 950, A bill for an act relating to human rights; clarifying the definition of disability; limiting the use of psychological tests; limiting age-related questions in employment applications; clarifying who is an aggrieved party for certain violations; placing burden on the employer to show a person's impairment is disqualifying; providing for service of subpoenas personally or by mail; allowing the commissioner discretion on access to data in closed files; eliminating the 180-day administrative hearing option; striking the requirement that a person's employees must be within Minnesota for purposes of affirmative action; clarifying the time period allowed for filing a private lawsuit; amending Minnesota Statutes 1988, sections 363.01, subdivisions 25 and 31; 363.02, subdivisions 1, 2, 2a, 2b, and 6; 363.03, subdivisions 1, 2, 3, 7, 8, and by adding subdivisions; 363.05, subdivision 2; 363.061, subdivision 3; 363.072, subdivision 1; 363.073, subdivision 1; 363.117; 363.123; and 363.14, subdivision 1; repealing Minnesota Statutes 1988, sections 363.01, subdivisions 30 and 32; and 363.071, subdivision 1a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 363.01, subdivision 25, is amended to read:

Subd. 25. [DISABILITY.] "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who (1) has a physical, sensory, or mental impairment which ~~substantially~~ materially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Sec. 2. Minnesota Statutes 1988, section 363.01, subdivision 25a, is amended to read:

Subd. 25a. [QUALIFIED DISABLED PERSON.] "Qualified disabled person" means:

(1) with respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and

(2) with respect to services and programs, a disabled person who, with physical and program access, meets the essential eligibility criteria required of all applicants for the program or service in question.

For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

Sec. 3. Minnesota Statutes 1988, section 363.01, subdivision 31, is amended to read:

Subd. 31. [FAMILIAL STATUS.] "Familial status" means the condition of one or more minors being domiciled with (a) their parent or parents or the minor's legal guardian or (b) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against discrimination on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

Sec. 4. Minnesota Statutes 1988, section 363.02, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] The provisions of section 363.03, subdivision 1, shall not apply to:

(1) The employment of any individual

(a) by the individual's parent, grandparent, spouse, child, or grandchild, or

(b) in the domestic service of any person;

(2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment;

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice;

(4) The operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, layoff priorities, vacation credit, and job assignments based on seniority, so long as the operation of the system is not a subterfuge to evade the provisions of this chapter;

(5) With respect to age discrimination, a practice by which a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for the benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

(8) It is not an unfair employment practice for an employer, employment agency, or labor organization:

(i) to require or request a person to undergo physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment, provided (a) that an offer of employment has been made on condition that the person meets the physical or mental requirements of the job; (b) that the examination tests only for essential job-related abilities; and (c) that the examination except for examinations authorized under chapter 176 is required of all persons conditionally offered employment for the same position regardless of disability; or

(ii) with the consent of the employee, to obtain additional medical

information for the purposes of establishing an employee health record;

(iii) to administer preemployment tests, provided that the tests (a) measure only essential job-related abilities, (b) are required of all applicants for the same position regardless of disability except for tests authorized under chapter 176, and (c) accurately measure the applicant's aptitude, achievement level, or whatever factors they purport to measure rather than reflecting the applicant's impaired sensory, manual, or speaking skills except when those skills are the factors that the tests purport to measure; or

(iv) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work; or

(v) to provide special safety considerations for pregnant women involved in tasks which are potentially hazardous to the health of the unborn child, as determined by medical criteria.

Sec. 5. Minnesota Statutes 1988, section 363.02, subdivision 2, is amended to read:

Subd. 2. [HOUSING.] (1) The provisions of section 363.03, subdivision 2, shall not apply to:

(a) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(b) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

(2) The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to:

(a) any unoccupied dwelling unit in one building of a housing complex consisting of two buildings or, in a housing complex consisting of three or more buildings, any unoccupied dwelling unit in up to one-third of all buildings in the housing complex. For the purposes of this clause, "housing complex" means a group of buildings each containing five or more units on a contiguous parcel of land owned by the same person; a building shall not be exempt from section 363.03, subdivision 2, pursuant to this clause unless the owner has filed an election to designate the building as exempt with the commissioner; an election made by an owner pursuant to this clause may not be withdrawn for purposes of designating another building in the housing complex as exempt for a period of one year from the filing of the election; or

(b) any unit in a condominium created prior to April 12, 1980, any unit in a condominium, other than a condominium converted from a residential building, created on or after April 12, 1980, and any unit in an adults-only condominium created from an existing adults-only rental building on or after April 12, 1980; or

(c) an unoccupied dwelling unit in any building in which at least a majority of the dwelling units are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person; or

(d) any owner occupied building containing four or fewer dwelling units; or

(e) an unoccupied dwelling unit in any building which is the subject of a valid certificate filed with the commissioner pursuant to the provisions of this clause. To be valid, a certificate must be on a form provided by the commissioner, be received by the commissioner, state that on the date that the certificate is received by the commissioner at least a majority of the dwelling units in the building are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly person, state that on the date that the certificate is received by the commissioner there is on file with the owner of the building or a specified duly authorized agent of the owner for each occupied unit relied upon in support of the certificate a signed statement by an elderly person occupying the unit on the date that the certificate is received by the commissioner that the person is an elderly person, state that for a period of 180 days following the receipt of the certificate by the commissioner the owner or duly authorized agent will preserve the signed statements of the elderly persons and will, upon request, make the statements available for inspection by the commissioner or by any local commission having jurisdiction over the building, be signed by the owner or the duly authorized agent, and be in all respects true and accurate. A valid certificate shall remain valid for a period of 180 days following the date on which it is received by the commissioner.

Any owner or authorized agent who files a certificate containing statements or information that the owner or authorized agent knows or should reasonably know to be false shall be guilty of a misdemeanor;

(f) any unoccupied dwelling unit of up to one-third of the units in a building that is not part of a multibuilding complex; or

(g) any dwelling unit in a building owned by a cooperative apartment corporation, other than a building converted from a residential rental building to a cooperative apartment corporation building on or after April 12, 1980, unless that conversion was from an existing adults-only residential rental building.

(b) housing for elderly persons. "Housing for elderly persons" means housing:

(i) provided under any state or federal program that the commissioner determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(ii) intended for, and solely occupied by, persons 62 years of age or older; or

(iii) intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that:

(A) there are significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of these facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons;

(B) at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(C) there is publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing does not fail to meet the requirements for housing for elderly persons by reason of persons residing in the housing as of the effective date of this act who do not meet the age requirements of clause (b), items (ii) and (iii) if new occupants of the housing meet the age requirements of clause (b), item (ii) or (iii). In addition, housing does not fail to meet the requirements by reason of unoccupied units if unoccupied units are reserved for occupancy by persons who meet the age requirements of clause (b), item (ii) or (iii).

Sec. 6. Minnesota Statutes 1988, section 363.02, subdivision 2a, is amended to read:

Subd. 2a. [MANUFACTURED HOME PARKS.] The provisions of subdivision 2, prohibiting discrimination because of familial status:

(1) do not apply to a manufactured home park the majority of whose lots are reserved by park rule to households containing at least one elderly person; and

(2) do not apply to a section or sections of a manufactured home park which are identified by park rule and do not comprise more than one-third of the lots in the park. In order to qualify for exemption under this subdivision, A park owner must comply with section 327C.02, subdivision 2, 327C.05, or 327C.07, subdivision 4, when adopting or amending a rule concerning the permitted familial status of residents or of buyers of homes offered for in park sale.

Sec. 7. Minnesota Statutes 1988, section 363.02, subdivision 2b, is amended to read:

Subd. 2b. [EVICITION DUE TO FAMILIAL STATUS.] The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status, do not apply to eviction from, or denial of continuing tenancy in, dwelling units exempt through certification under this section, provided that (1) one year has elapsed from the commencement of the familial status and (2) six months prior written notice has been given to the tenant, unless the eviction or denial of continuing tenancy is for nonpayment of rent, damage to the premises, disturbance of other tenants, or other breach of the lease.

Sec. 8. Minnesota Statutes 1988, section 363.02, subdivision 6, is amended to read:

Subd. 6. [AGE.] By law or published retirement policy, a mandatory retirement age may be established without being a violation of this chapter if it is established consistent with section 181.81. Nothing in this chapter nor in section 181.81 shall prohibit employee pension and retirement plans from granting pension credit to employees over the age of 65 at a lesser rate than is granted to other employees, provided that in no event may an employee's accumulated pension credits be reduced by continued employment, and further provided that no other state or federal law is violated by the reduced rate of pension credit accrual. Nothing in this chapter shall be construed to prohibit the establishment of differential privileges, benefits, services or facilities for persons of designated ages if (a) such differential treatment is provided pursuant to statute, or (b) the designated age is greater than 59 years or less than 21 years.

Sec. 9. Minnesota Statutes 1988, section 363.03, subdivision 1, is amended to read:

Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization,

before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or, disability, or age; or, subject to section 363.02, subdivision 1, to require or request a person to undergo physical examination; unless, for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States or a political subdivision or agency of the United States or examination; or

(b) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age, unless for the sole and exclusive purpose of compliance with the public contracts act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(c) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under section 363.06.

(5) For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work.

(6) For an employer with 50 or more permanent, full-time employees, an employment agency or a labor organization, not to make reasonable accommodation to the known disability of a qualified disabled person or job applicant unless the employer, agency, or organization can demonstrate that the accommodation would impose an undue hardship on the business, agency, or organization. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a quali-

fied disabled person. "Reasonable accommodation" may include but is not limited to, nor does it necessarily require: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, modified work schedules ~~that do not reduce the total number of hours normally worked~~, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis.

In determining whether an accommodation would impose an undue hardship on the operation of a business or organization, factors to be considered include:

(a) the overall size of the business or organization with respect to number of employees or members and the number and type of facilities;

(b) the type of the operation, including the composition and structure of the work force, and the number of employees at the location where the employment would occur;

(c) the nature and cost of the needed accommodation;

(d) the reasonable ability to finance the accommodation at each site of business; and

(e) documented good faith efforts to explore less restrictive or less expensive alternatives, including consultation with the disabled person or with knowledgeable disabled persons or organizations.

A prospective employer need not pay for an accommodation for a job applicant if it is available from an alternative source without cost to the employer or applicant.

Sec. 10. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

Subd. 1a. [DISCLOSURE OF MEDICAL INFORMATION.] If any health care records or medical information adversely affects any employment decision concerning an applicant, the employer must notify the affected party of that information within ten days of the decision.

Sec. 11. Minnesota Statutes 1988, section 363.03, subdivision 2, is amended to read:

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent

of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(2) For a real estate broker, real estate salesperson, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or

privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(5) For a person to deny a totally or partially blind, physically handicapped, or deaf person with a service dog full and equal access to real property provided for in this section. The person may not be required to pay extra compensation for the service dog but is liable for damage done to the premises by the service dog.

(6) For a home improvement, repair, or maintenance business to discriminate in terms, conditions, or extension of services against any person or group of persons who desire to rehabilitate, repair, or maintain real property in a specific urban or rural area or any part of the area because of the social or economic conditions of the area.

Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

Sec. 12. Minnesota Statutes 1988, section 363.03, is amended by adding a subdivision to read:

Subd. 2a. [REAL PROPERTY; DISABILITY DISCRIMINATION.]
(a) For purposes of subdivision 2, "discrimination" includes:

(1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear;

(2) a refusal to make reasonable accommodations in rules, policies, practices, or services when accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling; or

(3) in connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

(i) the public use and common use portions are readily accessible to and usable by a disabled person;

(ii) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(iii) all premises contain the following features of adaptive design: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(b) As used in this subdivision, "covered multifamily dwellings" means:

(1) a building consisting of four or more units if the building has one or more elevators; and

(2) ground floor units in other buildings consisting of four or more units.

(c) This subdivision does not invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this subdivision applies, that requires dwellings to be designed and constructed in a manner that affords disabled persons greater access than is required by this subdivision.

(d) This subdivision does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 13. Minnesota Statutes 1988, section 363.03, subdivision 3, is amended to read:

Subd. 3. [PUBLIC ACCOMMODATIONS.] It is an unfair discriminatory practice:

(1) To deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, disability, national origin or sex. It is an unfair discriminatory practice for a taxicab company to discriminate in the access to, full utilization of or benefit from service because of a person's disability. Nothing in this subdivision requires any person to exercise a higher degree of care for a person having a disability or to modify property in any way except as required by the accessibility provisions of the state building code.

(2) For a place of public accommodation not to make reasonable accommodation to the known physical disability of a disabled person. State or local building codes govern where applicable. For a place of public accommodation with annual gross revenues less than \$250,000, reasonable accommodations that cost \$1,000 or more in the aggregate are not required in any calendar or fiscal year. In determining whether an accommodation is reasonable, the factors to be considered may include:

(a) the frequency and predictability with which members of the public will be served by the accommodation at that location;

(b) the size of the business or organization at that location with respect to physical size, annual gross revenues, and the number of employees;

(c) the extent to which disabled persons will be further served from the accommodation;

(d) the type of operation;

(e) the nature and both direct and legitimate indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation;

(f) the extent to which any persons may be adversely affected by the accommodation.

Sec. 14. Minnesota Statutes 1988, section 363.03, subdivision 7, is amended to read:

Subd. 7. [REPRISALS.] It is an unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any matter manner in an investigation, proceeding, or hearing under this chapter; or

(2) Associated with a person or group of persons who are disabled or who are of different race, color, creed, religion, or national origin.

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).

Sec. 15. Minnesota Statutes 1988, section 363.03, subdivision 8, is amended to read:

Subd. 8. [CREDIT; SEX DISCRIMINATION.] It is an unfair discriminatory practice:

(1) to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of race, color, creed, religion, disability, national origin, sex, or marital status; or

(2) for a credit card issuer to refuse to issue a credit card to a woman under her current or former surname unless there is an intent to defraud or mislead, except that a credit card issuer may require that a woman requesting a card under a former surname open a separate account in that name. A credit card issuer may also require disclosure of any other names under which the credit card applicant may have a credit history.

Sec. 16. Minnesota Statutes 1988, section 363.05, subdivision 2, is amended to read:

Subd. 2. [SERVICE, ENFORCEMENT, AND EFFECT OF SUBPOENA.] (a) Disobedience of a subpoena issued by the commissioner pursuant to subdivision 1 shall be punishable in like manner as a contempt of the district court in proceedings instituted upon application of the commissioner made to the district court of the county where the alleged unfair discriminatory practice in connection with a charge made by a charging party or a complaint filed by the commissioner has occurred or where the respondent resides or has a principal place of business.

(b) It is not a violation of rights conferred by chapter 13 or any

other statute related to the confidentiality of government data for an a state agency, statewide system, or political subdivision as defined in section 13.02, subdivision 11, to provide data or information under a subpoena issued by the commissioner under this section.

(c) A subpoena issued under subdivision 1 must be served personally or by mailing a copy of the subpoena, by first class mail, postage prepaid, to the person to be served. The subpoena must include two copies of a notice and acknowledgment of service on a form to be provided by the commissioner, and a return envelope, postage prepaid, addressed to the sender. If acknowledgment of service is not received by the commissioner within 20 days, service is not effective. Unless good cause is shown for not doing so, a court or administrative law judge shall order the payment of the costs of personal service by the person served if the person does not complete and return the notice and acknowledgment of receipt of the subpoena within the time allowed.

Sec. 17. Minnesota Statutes 1988, section 363.072, subdivision 1, is amended to read:

Subdivision 1. [APPEAL.] The commissioner or a person aggrieved by a final decision of the department reached after a hearing held pursuant to section 363.071 may seek judicial review in accordance with chapter 14. ~~The attorney general shall represent on appeal; a charging party who prevailed at a hearing authorized by section 363.071, subdivision 1a, if the charging party requests representation within ten days after receipt of the petition for appeal.~~

Sec. 18. Minnesota Statutes 1988, section 363.073, subdivision 1, is amended to read:

Subdivision 1. [SCOPE OF APPLICATION.] No department or agency of the state shall receive, enter into, or accept any bid or proposal for a contract nor execute any contract for goods, services, or the performance of any function, or any agreement to transfer funds for any reason in excess of \$50,000 with any person having more than 20 full-time employees in Minnesota at any time during the previous 12 months, unless the person has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commissioner of human rights. Receipt of a certificate of compliance issued by the commissioner shall signify that a person has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of two years.

Sec. 19. Minnesota Statutes 1988, section 363.117, is amended to read:

363.117 [WITHDRAWAL FROM A LOCAL COMMISSION.]

Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363.14 at the following times:

(a) Within 45 days after receipt of notice that the local commission has determined that there is no probable cause to credit the allegations contained in the charge; receipt of notice is presumed to be five days from the date of written notice; or

(b) After 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the local commission and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstituted with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Sec. 20. Minnesota Statutes 1988, section 363.123, is amended to read:

363.123 [VIOLATION OF ACT.]

It shall be a violation of ~~Laws 1973, this chapter 729~~ for any person furnishing credit service to discriminate against any person who is the recipient of federal, state or local public assistance, including medical assistance, or who is a tenant receiving federal, state or local housing subsidies, including rental assistance or rent supplements, ~~solely~~ because the individual is such a recipient.

Sec. 21. Minnesota Statutes 1988, section 363.14, subdivision 1, is amended to read:

Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] (a) The commissioner or a person may bring a civil action seeking redress for an unfair discriminatory practice directly to district court. In addition, a person may bring a civil action:

(1) within 45 days after receipt of notice that the commissioner has dismissed a charge because it is frivolous or without merit, because the charging party has failed to provide required informa-

tion, because the commissioner has determined that further use of department resources is not warranted, or because the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner;

(2) within 45 days after receipt of notice that the commissioner has reaffirmed a determination of no probable cause if the charging party requested a reconsideration of the no probable cause determination, or has decided not to reopen a dismissed case that the charging party has asked to be reopened; or

(3) after 45 days from the filing of a charge pursuant to section 363.06, subdivision 1, if a hearing has not been held pursuant to section 363.071 or if the commissioner has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the commissioner of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

For purposes of clauses (1) and (2), receipt of notice is presumed to be five days from the date of written notice.

(b) If the commissioner has issued both probable cause and no probable cause determinations on separate issues in the same charge, the charging party may, if a hearing is held, require that all matters be heard at the hearing or may bring a civil action for the no probable cause charges at the same time as the probable cause charges under the rules and time frames that govern the probable cause charges.

(c) A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon their receipt the commissioner shall terminate all proceedings in the department relating to the charge. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

(d) Upon application by the complaining party to the district court at a special term and under circumstances the court deems just, the court may appoint an attorney for the person and may authorize the commencement of the action without payment of fees, costs, or security.

(e) Upon timely application, the court may permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

In the next edition of Minnesota Statutes, the revisor of statutes shall renumber Minnesota Statutes, section 363.123 as section 363.03, subdivision 8b.

Sec. 23. [REPEALER.]

Minnesota Statutes 1988, sections 363.01, subdivisions 30 and 32; and 363.071, subdivision 1a, are repealed."

Amend the title as follows:

Page 1, line 2, before "clarifying" insert "adopting federal fair housing amendments;"

Page 1, line 6, delete "placing" and insert "clarifying"

Page 1, line 16, after "25" insert ", 25a,"

Page 1, line 19, delete "363.061, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 952, A bill for an act relating to transportation; creating legislative study commission to study and report on the AMTRAK Northstar rail line between Duluth and Minneapolis-St. Paul; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, delete "Northstar" and insert "rail passenger service"

Page 1, lines 10 and 11, delete "the Northstar route between Duluth and Minneapolis-St. Paul" and insert "Minnesota rail passenger service"

Page 1, line 17, after the period insert "The appointees from each house shall consist of three members of the majority caucus and two members of the minority caucus."

Page 1, line 19, delete "Northstar" and insert "rail passenger service"

Page 1, line 24, delete "Northstar" and insert "rail passenger service"

Amend the title as follows:

Page 1, line 3, delete "AMTRAK Northstar"

Page 1, delete line 4, and insert "Minnesota rail passenger service;"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 980, A bill for an act relating to commerce; providing a computerized system for notification of security interests in farm products; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 336A.

Reported the same back with the following amendments:

Page 2, line 3, after the period insert "This system shall be the exclusive method of protection under that law, and the method set forth in United States Code, title 7, section 1631(e)(1) and section 1631(g)(2)(A) is ineffective, except to the extent those provisions have been determined by final decision of a court with jurisdiction in this state to preempt this section."

Page 3, line 27, delete "and"

Page 3, line 31, delete the period and insert "; and"

(5) the following statement which must be completed:

"THIS FINANCING STATEMENT WILL WILL NOT BE TERMINATED WITHIN 30 DAYS OF THE DATE ON WHICH THE OBLIGATION(S) IT SECURES NO LONGER EXIST."

Page 3, after line 34 insert:

"(c) The effective financing statement form may not be combined with a uniform commercial code financing statement form.

(d) An effective financing statement must contain the following statement, all in capital letters:

"THE INFORMATION CONTAINED IN THIS EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY."

Page 4, delete line 36

Page 5, delete lines 1 to 3

Reletter the remaining paragraphs

Page 5, line 8, delete "paragraphs" and insert "paragraph" and delete "and (c)"

Page 5, line 13, delete the first comma and insert "and" and delete ", and (c)"

Page 6, line 26, delete the first "A" and insert "If required in the effective financing statement, a" and after "shall" insert "within 30 days"

Page 7, line 7, after "1" insert ", or"

Page 7, line 9, after "statement" insert "and the conditions of subdivision 1, paragraphs (1) and (2) exist"

Page 7, line 11, after the period insert "For the second and each subsequent time a secured party is found liable under this subdivision in any one calendar year the secured party is liable to the debtor for \$125 plus any loss caused to the debtor and, in addition, is liable to the secretary of state for \$125 which must be used by the secretary of state to perform periodic tests to determine the degree to which lenders fail to file termination statements."

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

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 982, A bill for an act relating to animals; establishing a state program for spaying and neutering certain animals; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 346.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ANIMAL POPULATION CONTROL PROGRAM.]

Subdivision 1. [STUDY COMMISSION.] An animal population control study commission is established, consisting of seven members as follows: one senator appointed by the senate committee on rules and administration; one representative appointed by the house committee on rules and legislative administration; one member each appointed by the St. Paul and Minneapolis animal control offices; one veterinarian licensed to practice veterinary medicine in Minnesota; and two public members.

The commissioner of health shall appoint the veterinarian and public members of the study commission. The members shall elect a chair.

Subd. 2. [DUTIES; REPORT.] The study commission established in subdivision 1 shall study the feasibility of a pilot program in the seven-county metropolitan area to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety posed by the growing population of these unwanted and stray animals, and by providing low-cost animal sterilization services to certain low-income animal owners.

The study commission shall report its finding to the speaker of the house and the president of the senate by January 1, 1990."

Delete the title and insert:

"A bill for an act relating to animals; establishing a study commission to report to the legislature on the feasibility of a pilot program in the metropolitan area for reducing the population of unwanted dogs and cats through low-cost spaying and neutering."

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1004; A bill for an act relating to local government; expanding the purpose for the use of certain dedicated cash pay-

ments under the municipal planning law; amending Minnesota Statutes 1988, section 462.358, subdivision 2b.

Reported the same back with the following amendments:

Page 1, line 17, after "preserved" insert "for conservation purposes or" and after "trails," insert "wetlands,"

Page 1, line 24, reinstate the comma and delete "and"

Page 1, delete line 25

Page 2, delete lines 1 and 2

Page 2, line 3, delete "habitat, and procurement of easements for those purposes,"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1027, A bill for an act relating to state employees; authorizing the department of transportation to permit the donation of vacation time for unreimbursed medical expenses; proposing coding for new law in Minnesota Statutes, chapter 174.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [UNREIMBURSED MEDICAL COSTS VACATION DONATION PROGRAM.]

Subdivision 1. [DONATION OF VACATION TIME.] A state employee may donate up to eight hours of accrued vacation time in calendar year 1989 to the account established by subdivision 2 for the benefit of another state employee. The employee must notify the employee's agency head of the amount of accrued vacation time the employee wishes to donate and the name of the other state employee who is to benefit from the donation. The agency head shall determine the monetary value of the donated time, using the gross salary of the employee making the donation. The agency head shall transfer that amount to the account established by subdivision 2. A donation of accrued vacation time is irrevocable once its monetary value has been transferred to the account.

Subd. 2. [BENEFIT ACCOUNT.] The vacation benefit account, consisting of money transferred under subdivision 1, is administered by the commissioner of employee relations. Money in the account is appropriated to the commissioner for purposes of this section until January 1, 1991. Any appropriation remaining in the account on that date is transferred to the commissioner of commerce to cover costs of the study required by subdivision 5.

Subd. 3. [USE OF ACCOUNT ASSETS.] Expenditures from the account may be made only to pay unreimbursed medical expenses when the total of those expenses is at least \$10,000 and the expenses are incurred because of the illness of or injury to a state employee or the employee's spouse or dependent. An expenditure on behalf of an employee may not exceed the total transferred into the account established by subdivision 2 because of a donation or donations of vacation time for the benefit of that employee.

Subd. 4. [TAX CONSEQUENCES.] So far as possible, the commissioner shall administer the account in such a way that no tax burden or benefit is imposed or granted to those who donate accrued vacation time or those who benefit from a donation.

Subd. 5. [STUDY; TRANSPLANT SURGERY.] The commissioner of commerce shall study the feasibility of:

(1) requiring all policies or plans of health, medical, hospitalization, or accident and sickness insurance, and all health maintenance organizations providing coverage of or reimbursement for inpatient hospital and medical expenses to cover the costs of nonexperimental transplant surgery; and

(2) defining experimental and nonexperimental transplant surgery for purposes of this subdivision.

The commissioner shall report the results of the study and any recommendations resulting from the study to the legislature by January 15, 1991.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state employees; authorizing the donation of accrued vacation time by state employees in 1989 to pay unreimbursed medical costs incurred by other state employees."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1103, A bill for an act relating to health; requiring a fee for an application for a home care provider license; authorizing the commissioner to seek injunctive relief and use subpoenas in regulating home care providers; imposing requirements for disclosure of criminal convictions by home care providers; imposing a penalty for providing home care without a license; requiring public members in the mortuary science advisory council; allowing use of a trainee's name in the advertising or title of a funeral establishment; establishing a hearing instrument security fund; establishing a human services occupational account; appropriating money; amending Minnesota Statutes 1988, sections 144.698, subdivision 1; 144.701; 144.702, subdivision 2, and by adding subdivisions; 144A.45, subdivision 2; 144A.46; 148.56, by adding a subdivision; 148B.27, subdivision 2; 148B.32, subdivision 2; 149.02; 149.06; 153A.13, subdivision 4; 153A.15, subdivision 3; 153A.16; 326.78, subdivision 2; and 327.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; 144A; 145; and 214; repealing Minnesota Rules, parts 4650.0162 and 4650.0164.

Reported the same back with the following amendments:

Page 10, after line 27, insert:

"Sec. 11. Minnesota Statutes 1988, section 147.02, subdivision 1, is amended to read:

Subdivision 1. [UNITED STATES OR CANADIAN MEDICAL SCHOOL GRADUATES.] The board shall, with the consent of six of its members, issue a license to practice medicine to a person who meets the following requirements:

(a) An applicant for a license shall file a written application on forms provided by the board, showing to the board's satisfaction that the applicant is of good moral character and satisfies the requirements of this section.

(b) The applicant shall present evidence satisfactory to the board of being a graduate of a medical or osteopathic school located in the United States, its territories or Canada, and approved by the board based upon its faculty, curriculum, facilities, accreditation by a recognized national accrediting organization approved by the board, and other relevant data, or is currently enrolled in the final year of study at the school.

(c) The applicant must have passed an a comprehensive examination for initial licensure prepared and graded by the national board of medical examiners or the federation of state medical boards. The board shall by rule determine what constitutes a passing score in the examination.

(d) The applicant shall present evidence satisfactory to the board of the completion of one year of graduate, clinical medical training in a program accredited by a national accrediting organization approved by the board or other graduate training approved in advance by the board as meeting standards similar to those of a national accrediting organization.

(e) The applicant shall make arrangements with the executive director to appear in person before the board or its designated representative to show that the applicant satisfies the requirements of this section. The board may establish as internal operating procedures the procedures or requirements for the applicant's personal presentation.

(f) The applicant shall pay a fee established by the board by rule. The fee may not be refunded.

(g) The applicant must not have engaged in conduct warranting disciplinary action against a licensee. If the applicant does not satisfy the requirements of this paragraph, the board may refuse to issue a license unless it determines that the public will be protected through issuance of a license with conditions and limitations the board considers appropriate."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon insert "clarifying that the national examination that a person must pass to become licensed to practice medicine must be a comprehensive examination for initial licensure;"

Page 1, line 16, after the third semicolon insert "147.02, subdivision 1;"

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

The report was adopted.

Osthoff from the Committee on Financial Institutions and Housing to which was referred:

H. F. No. 1107, A bill for an act relating to landlord and tenant; authorizing emergency proceeding for loss of essential services; proposing coding for new law in Minnesota Statutes, chapter 566.

Reported the same back with the following amendments:

Page 2, after line 10, insert:

"Subd. 6. [LIMITATION.] The tenant remedy under this section does not extend to emergencies which are the result of the deliberate or negligent act or omission of a tenant or anyone acting under the direction or control of the tenant."

Page 2, line 11, delete "6" and insert "7"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1130, A bill for an act relating to education; providing for exchanges of education faculty; appropriating money.

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1131, A bill for an act relating to Olmsted county; authorizing certain appropriations for economic and agricultural development.

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

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1135, A bill for an act relating to state government; extending tort claim immunity to the Minnesota zoo; providing for expenditures of money; amending Minnesota Statutes 1988, sections 3.736, subdivision 3; and 85A.02, subdivision 5a.

Reported the same back with the following amendments:

Page 1, line 8 to page 3, line 13, delete section 1

Page 4, line 9, after the period insert "The zoo board shall not enter into any final agreement for construction of any entertainment facility that is not directly connected to the ordinary functions of the zoo until after final construction plans have been submitted to the chairs of the senate finance and house appropriations committees.

The zoo may not contract for entertainment during the period of the Minnesota state fair that would directly compete with entertainment at the Minnesota state fair."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "providing"

Page 1, line 4, delete "of money" and insert "for employee salary supplements and contracts for entertainment facilities"

Page 1, line 5, delete "sections 3.736, subdivision 3; and" and insert "section"

With the recommendation that when so amended 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. 1137, A bill for an act relating to metropolitan government; regulating the borrowing authority of the regional transit board; amending Minnesota Statutes 1988, section 473.39, subdivision 1a, and by adding a subdivision.

Reported the same back with the following amendments:

Page 3, after line 12, insert:

"Sec. 3. Minnesota Statutes 1988, section 473.39, is amended by adding a subdivision to read:

Subd. 5. [USE OF PROCEEDS.] The board may not use the proceeds of bonds issued by the council under this section to provide capital assistance to private, for-profit operators of public transit."

Renumber remaining section in sequence

Amend the title as follows:

Page 1, line 5, delete "a subdivision" and insert "subdivisions"

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1139, A bill for an act relating to corrections; requiring county boards to provide medical aid for prisoners in jail; amending Minnesota Statutes 1988, section 641.15.

Reported the same back with the following amendments:

Page 1, line 23, delete "The" and insert "Except as provided in section 466.101, the"

Page 2, line 3, delete "that ordered the" and insert "with jurisdiction over the defendant"

Page 2, line 4, delete everything before "shall"

Page 2, line 6, delete everything after the period

Page 2, delete line 7

Page 2, line 8, delete everything before "If"

With the recommendation that when so amended the bill pass.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1142, A bill for an act relating to the environment; requiring the use of soy-based ink for some printing operations; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16B.125] [PRINTING INKS; STATE PRINTING.]

Subdivision 1. [DEFINITION; SOY-BASED INK.] For the purposes of this section "soy-based ink" means printing ink made from soy oil.

Subd. 2. [STATE PRINTER.] Whenever practical and economically feasible, the state printer shall consider the use of soy-based ink for printing orders or projects. The printer shall also advise state agencies on and encourage them to use materials and printing processes that allow for the use of soy-based ink.

Subd. 3. [STATE AGENCIES; PRINTING CONTRACTS.] When a state agency seeks to enter a contract for printing with, or otherwise purchases printing from, the state or another printer, the agency shall consider, when practical and economically feasible, specifying the use of soy-based ink when it can specify use of a newsprint product that is printed on a non-heat-set web press or a sheet-fed press. Whenever practical, a state agency shall consider specifying materials and printing processes that enable use of soy-based ink.

Subd. 4. [DETERMINATION OF USE.] When the state printer or a state agency is making a determination whether to use soy-based ink or not, the state printer or agency shall consider the practicality of soy-based ink with regard to the type of paper to be used in the project, the production schedule required, the type of printing equipment likely to be used, the availability of ink, and any other relevant considerations."

Delete the title and insert:

"A bill for an act relating to agriculture; requiring the use of soy-based ink for some printing operations; proposing coding for new law in Minnesota Statutes, chapter 16B."

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

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 1147, A bill for an act relating to elections; making various changes in laws applicable to school district elections; amending Minnesota Statutes 1988, sections 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.10, subdivisions 2 and 3; 205A.11; 205A.12, subdivision 2; 209.02, subdivision 1; 209.021, subdivision 1; 209.03; 209.09, subdivision 1; and 211A.01, subdivision 6.

Reported the same back with the following amendments:

Page 6, line 21, after "check" insert "acceptable to the official responsible for printing the ballots,"

Pages 6 and 7, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 1988, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. [QUESTIONS.] Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 20 30 days before and the 30 days after any regularly scheduled statewide the state primary or state general election or. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision."

Pages 9 and 10, delete section 18

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "205A.12,"

Page 1, line 11, delete "subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1150, A bill for an act relating to the collection, access to, and dissemination of data; proposing classifications of data as private, confidential, nonpublic, and protected nonpublic; clarifying classification of data; establishing an internal audit function with access to state agency data; clarifying what data on juveniles may be made available to the public; amending Minnesota Statutes 1988, sections 13.10, subdivision 1; 13.32, subdivisions 3 and 5; 13.82, subdivision 8; 16A.055, subdivision 1; 245.94, subdivision 1; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 13.02, subdivision 9, is amended to read:

Subd. 9. [NONPUBLIC DATA.] "Nonpublic data" means data not on individuals which is made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

Sec. 2. Minnesota Statutes 1988, section 13.10, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this chapter:

(a) "Confidential data on decedents" means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as confidential data.

(b) "Private data on decedents" means data which, prior to the death of the data subject, were classified by statute, federal law, or temporary classification as private data.

(c) "Representative of the decedent" means the personal representative of the estate of the decedent during the period of administration, or if no personal representative has been appointed or after discharge, the surviving spouse, any child of the decedent, or, if there is no surviving spouse or children, ~~any other of the decedent's living next of kin within one degree of consanguinity as determined in the order of priority established by the rules of civil law~~ the parents of the decedent.

Sec. 3. Minnesota Statutes 1988, section 13.32, subdivision 3, is amended to read:

Subd. 3. [PRIVATE DATA; WHEN DISCLOSURE IS PERMITTED.] Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a valid court order;
- (c) Pursuant to a statute specifically authorizing access to the private data;
- (d) To disclose information in health and safety emergencies pursuant to the provisions of United States Code, title 20, section 1232g(b)(1)(I) and Code of Federal Regulations, title 45 34, section 99.36 which are in effect on July 1, ~~1979~~ 1989;
- (e) Pursuant to the provisions of United States Code, title 20, sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and Code of Federal Regulations, title 45 34, sections 99.31, 99.32, 99.33, 99.34 and 99.35 which are in effect on July 1, ~~1979~~ 1989; or
- (f) To appropriate health authorities to the extent necessary to administer immunization programs and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted.

Sec. 4. Minnesota Statutes 1988, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and ~~regulations adopted pursuant thereto~~ Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, ~~1979~~ 1989 is public data on individuals.

Sec. 5. [13.542] [HOSPITAL STUDY DATA.]

The following data contained in a report prepared for Meeker county, entitled "Final Report: Philanthropic Planning Study for a Capital Development/Foundation Endowment Program," are classified as confidential and protected nonpublic: data that identify staff of the county hospital and members of the medical staff or individuals who made comments on the hospital or medical staff during the preparation of the report and data that describes the hospital's fund-raising plans and strategies.

Sec. 6. [13.552] [ST. PAUL HUMAN RIGHTS DATA.]

Subdivision 1. [DEFINITIONS.] For purposes of this chapter, the terms "human rights investigative data," "closed case file," and "open case file" have the meanings assigned to them by section 363.01.

Subd. 2. [CLASSIFICATION OF HUMAN RIGHTS DATA.] For purposes of this chapter, data maintained by the city of St. Paul human rights department, including human rights investigative data and data contained in closed and open case files, are classified the same as and administered in accordance with sections 363.06 and 363.061 of the Minnesota human rights act.

Sec. 7. Minnesota Statutes 1988, section 13.64, is amended to read:

13.64 [DEPARTMENT OF ADMINISTRATION DATA.]

Notes and preliminary drafts of reports created, collected, or maintained by the management analysis division, department of administration, and prepared during management studies, audits, reviews, consultations, or investigations of state departments and metropolitan, regional, and local agencies and school districts are classified as confidential or protected nonpublic data until the final report has been published or preparation of the report is no longer being actively pursued. Data that support the conclusions of the report and that the commissioner of administration reasonably believes will result in litigation are confidential or protected nonpublic until the litigation has been completed or until the litigation is no longer being actively pursued. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for a report are private if (a) the data supplied by the individual were needed for an audit a report and (b) the data would not have been provided to the management analysis division without an assurance to the individual that the individual's identity would remain private.

Sec. 8. [13.671] [IRON RANGE RESOURCES AND REHABILITATION BOARD DATA.]

Subdivision 1. [NONPUBLIC DATA.] The following data that are submitted to the commissioner of the Iron Range resources and rehabilitation board by businesses that are requesting financial assistance are classified as nonpublic data: the identity of the business and financial information about the business including, but not limited to, credit reports, financial statements, net worth calculations, business plans, income and expense projections, customer lists, and feasibility studies not paid for in whole or in part by state or federal funds.

Subd. 2. [PUBLIC DATA.] The identity of the business seeking financial assistance becomes public data upon submission of the request for financial assistance to the Iron Range resources and rehabilitation board.

Sec. 9. [13.681] [LEGISLATIVE AUDITOR DATA.]

The following data collected by the legislative auditor for a random sample of farmers, as part of a study of the "Farm Interest Buy-down Program," are classified as private data or nonpublic data: financial statements, federal income tax returns and cash flow statements.

Sec. 10. [13.741] [WASTE MANAGEMENT DATA.]

The following data maintained by the staff and legal counsel of the pollution control agency, as part of the contract negotiation process authorized by section 115A.191, are classified as nonpublic data: lists of negotiating subjects, analysis of possible state and county positions, negotiation strategies on specific issues, and drafts of particular contract terms.

Sec. 11. Minnesota Statutes 1988, section 13.82, subdivision 8, is amended to read:

Subd. 8. [PUBLIC BENEFIT DATA.] Any law enforcement agency may make any data classified as confidential or protected nonpublic pursuant to subdivision 5 accessible to any person, agency or the public if the agency determines that the access will aid the law enforcement process, promote public safety or dispel widespread rumor or unrest.

Sec. 12. Minnesota Statutes 1988, section 13.82, subdivision 10, is amended to read:

Subd. 10. [PROTECTION OF IDENTITIES.] A law enforcement

agency may withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) When access to the data would reveal the identity of an undercover law enforcement officer;

(b) When access to the data would reveal the identity of a victim of criminal sexual conduct or ~~intrafamilial sexual abuse~~ or of a violation of section 617.246, subdivision 2;

(c) When access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant; or

(d) When access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, and the agency reasonably determines that revealing the identity of the victim or witness would threaten the personal safety or property of the individual.

Sec. 13. Minnesota Statutes 1988, section 16A.055, subdivision 1, is amended to read:

Subdivision 1. [LIST.] The commissioner shall:

(1) receive and record all money paid into the state treasury and safely keep it until lawfully paid out;

(2) manage the state's financial affairs;

(3) keep the state's general account books according to generally accepted government accounting principles;

(4) keep expenditure and revenue accounts according to generally accepted government accounting principles;

(5) develop, provide instructions for, prescribe, and manage a state uniform accounting system; ~~and~~

(6) provide to the state the expertise to ensure that all state funds are accounted for under generally accepted government accounting principles; and

(7) coordinate the development of, and develop standards for, internal auditing in state agencies and, in cooperation with the commissioner of administration, report to the legislature and the governor by December 31, 1990, on progress made.

Sec. 14. Minnesota Statutes 1988, section 245.94, subdivision 1, is amended to read:

Subdivision 1. [POWERS.] (a) The ombudsman may prescribe the methods by which complaints to the office are to be made, reviewed, and acted upon. The ombudsman may not levy a complaint fee.

(b) The ombudsman may mediate or advocate on behalf of a client.

(c) The ombudsman may investigate the quality of services provided to clients and determine the extent to which quality assurance mechanisms within state and county government work to promote the health, safety, and welfare of clients, other than clients in acute care facilities who are receiving services not paid for by public funds.

(d) At the request of a client, or upon receiving a complaint or other information affording reasonable grounds to believe that the rights of a client who is not capable of requesting assistance have been adversely affected, the ombudsman may gather information about and analyze, on behalf of the client, the actions of an agency, facility, or program.

(e) The ombudsman may examine, on behalf of a client, records of an agency, facility, or program if the records relate to a matter that is within the scope of the ombudsman's authority. If the records are private and the client is capable of providing consent, the ombudsman shall first obtain the client's consent. The ombudsman is not required to obtain consent for access to private data on clients with mental retardation or a related condition.

(f) The ombudsman may, at reasonable times in the course of conducting a review, enter and view premises within the control of an agency, facility, or program.

(g) The ombudsman may attend department of human services review board and special review board proceedings; proceedings regarding the transfer of patients or residents, as defined in section 246.50, subdivisions 4 and 4a, between institutions operated by the department of human services; and, subject to the consent of the affected client, other proceedings affecting the rights of clients. The ombudsman is not required to obtain consent to attend meetings or proceedings and have access to private data on clients with mental retardation or a related condition.

(h) The ombudsman shall have access to data of agencies, facilities, or programs classified as private or confidential as defined in section 13.02, subdivisions 3 and 12 and 13, regarding services provided to clients with mental retardation or a related condition.

(i) To avoid duplication and preserve evidence, the ombudsman shall inform relevant licensing or regulatory officials before undertaking a review of an action of the facility or program.

(j) Sections 245.91 to 245.97 are in addition to other provisions of law under which any other remedy or right is provided.

Sec. 15. Minnesota Statutes 1988, section 260.161, subdivision 3, is amended to read:

Subd. 3. (a) Peace officers' records of children shall be kept separate from records of persons 18 years of age or older and shall not be open to public inspection or their contents disclosed to the public except (1) by order of the juvenile court, or (2) as required by section 126.036, or (3) as authorized under ~~chapter 13~~ section 13.82, subdivision 2; except that traffic investigation reports may be open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. No photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

Sec. 16. Minnesota Statutes 1988, section 340A.503, subdivision 7, is amended to read:

Subd. 7. [RECORD OF VIOLATION.] If a person who is 18, 19, or 20 years old is convicted of a violation under this section, none of the records of the court, including legal records, shall be open to public inspection or their contents disclosed except by order of the court. Peace officers' records relating to the arrest or charging of any person who is 18, 19, or 20 years old with a violation of this section shall not be open to public inspection or their contents disclosed except by order of the district court or as required by section 126.036.

Delete the title and insert:

"A bill for an act relating to the collection, access to, and dissemination of data; proposing classifications of data as private, confidential, nonpublic, and protected nonpublic; clarifying classification of data; establishing an internal audit function with access to state agency data; clarifying what data on juveniles may be made available to the public; amending Minnesota Statutes 1988, sections 13.02, subdivision 9; 13.10, subdivision 1; 13.32, subdivisions 3 and

5; 13.64; 13.82, subdivisions 8 and 10; 16A.055, subdivision 1; 245.94, subdivision 1; 260.161, subdivision 3; and 340A.503, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 13."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1162, A bill for an act relating to international trade; enhancing the Minnesota trade office's education and foreign representation activities; appropriating money; amending Minnesota Statutes 1988, section 116J.966, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1988, section 116J.967.

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1207, A bill for an act relating to counties; providing conditions for the disposition of county property; amending Minnesota Statutes 1988, section 373.01, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 373.01, subdivision 1, is amended to read:

Subdivision 1. Each county is a body politic and corporate and may:

(1) Sue and be sued.

(2) Acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law.

(3) Purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party.

(4) Sell, lease, and convey real or personal estate owned by the county, and give contracts or options to sell, lease or convey it, and make orders respecting it as deemed conducive to the interests of the county's inhabitants.

No sale, lease or conveyance of real estate owned by the county, nor any contract or option for it, shall be valid, without first advertising for bids or proposals in the official newspaper of the county for three consecutive weeks and once in a newspaper of general circulation in the area where the property is located. The notice shall state the time and place of considering the proposals, contain a legal description of any real estate, and a brief description of any personal property. Leases that do not exceed \$15,000 for any one year may be negotiated and are not subject to the competitive bid procedures of this section. All proposals estimated to exceed \$15,000 in any one year shall be considered at ~~that~~ the time set for the bid opening, and the one most favorable to the county accepted, but the county board may, in the interest of the county, reject any or all proposals. Sales of personal property the value of which is estimated to be \$15,000 or more shall be made only after advertising for bids or proposals as provided for real estate. Sales of personal property the value of which is estimated to be less than \$15,000 may be made either on competitive bids or in the open market, in the discretion of the county board. Notwithstanding anything to the contrary herein, the county may, when acquiring real property for county highway right-of-way, exchange parcels of real property of substantially similar or equal value without advertising for bids. The estimated values for these parcels shall be determined by the county assessor.

If real estate or personal property remains unsold after advertising for and consideration of bids or proposals the county may employ a broker to sell the property. The broker may sell the property for not less than 90 percent of its appraised market value as determined by the county. The broker's fee shall be set by agreement with the county but may not exceed ten percent of the sale price and must be paid from the proceeds of the sale.

In no case shall lands be disposed of without there being reserved to the county all iron ore and other valuable minerals in and upon the lands, with right to explore for, mine and remove the iron ore and other valuable minerals, nor shall the minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands. The lease shall be for a term not exceeding 50 years, and be issued on a royalty basis, the royalty to be not less than 25 cents per ton of 2,240 pounds, and fix a minimum amount of royalty payable during each year, whether mineral is removed or not. Prospecting options for mining leases may be granted for periods not exceeding one year. The options shall require, among other things, periodical showings to the county board of the results of exploration work done.

(5) Make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1213; A bill for an act relating to public safety; alcohol assessment and treatment; allowing courts as a sentencing option to order criminal defendants into treatment upon certification to the local agency and the commissioner of human services; amending Minnesota Statutes 1988, section 169.126, by adding a subdivision; 254B.03, subdivision 1; 609.10; and 609.115, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 169.126, subdivision 4, is amended to read:

Subd. 4. [CHEMICAL USE ASSESSMENT.] (a) Except as otherwise provided in paragraph (d), when an alcohol problem screening shows that the defendant has an identifiable chemical use problem, the court shall require the defendant to undergo a comprehensive chemical use assessment conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. Notwithstanding any law or rule to the contrary, the assessor shall have access to any police reports, laboratory test results, and other data relating to the current offense or previous offenses which is necessary to complete the evaluation. An assessor providing a chemical use assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If an independent assessor is not available, the court may use the services of an assessor authorized to perform assessments for the county social services agency under a variance granted under rules adopted by the commissioner of human services under section 254A.03, subdivision 3. An appointment for the defendant to undergo the chemical use assessment shall be made by the court, a court services probation officer, or the court administrator as soon as possible but in no case more than one week after the defendant's court appearance. The comprehensive chemical use assessment must be completed no later than ~~two~~ three weeks after the ~~appointment date~~ defendant's court appearance. If the assessment is not performed within this time limit, the county where the defendant is

to be sentenced shall perform the assessment. The county of financial responsibility shall be determined under chapter 256G.

(b) The chemical use assessment report must include a recommended level of care for the defendant in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3.

(c) The state shall reimburse the county for the entire cost of each chemical use assessment and report at a rate established by the department of human services up to a maximum of \$100 in each case. The county may not be reimbursed for the cost of any chemical use assessment or report not completed within the time limit provided in this subdivision. Reimbursement to the county must be made from the special account established in subdivision 4a.

(d) If the preliminary alcohol problem screening is conducted by an assessor qualified under rules adopted by the commissioner of human services under section 254A.03, subdivision 3, consists of a comprehensive chemical use assessment of the defendant, and complies with the chemical use assessment report requirements of paragraph (b), it is a chemical use assessment for the purposes of this section and the court may not require the defendant to undergo a second chemical use assessment under paragraph (a). The state shall reimburse counties for the cost of alcohol problem screenings that qualify as chemical use assessments under this paragraph in the manner provided in paragraph (c) in lieu of the reimbursement provisions of section 169.124, subdivision 3.

Sec. 2. Minnesota Statutes 1988, section 169.126, is amended by adding a subdivision to read:

Subd. 5. [COURT-ORDERED TREATMENT; GENERALLY.] Notwithstanding any law or rule to the contrary, the district court may order the residential or nonresidential treatment of any defendant assessed pursuant to subdivision 4, clause (b), upon a finding by an assessor designated by the court and qualified under rules adopted by the commissioner under section 254A.03, subdivision 3, or credentialed by the Institute for Chemical Dependency Professionals, that the defendant is chemically dependent, chemically abusive, or in need of treatment for chemical abuse problems. The court shall also certify to the local agency and the commissioner of human services that the public safety requires that the defendant undergo treatment.

Sec. 3. Minnesota Statutes 1988, section 169.126, is amended by adding a subdivision to read:

Subd. 6. [NONRESIDENTIAL TREATMENT.] In order to certify that the public safety requires the nonresidential treatment of the

defendant, the court must expressly find one or more of the following:

(1) that the defendant, within ten years of the current offense, was previously convicted of two or more misdemeanor or gross misdemeanor offenses in which alcohol or controlled substance abuse was a contributing factor; or

(2) that the defendant, within ten years of the current offense, was previously convicted of a felony in which alcohol or controlled substance abuse was a contributing factor; or

(3) that the current offense is an alcohol-related driving offense in which the defendant's alcohol concentration was 0.25 or greater and the defendant has previously been convicted of any offense in which alcohol or controlled substance abuse was a contributing factor; or

(4) that the defendant, within the past three years, was admitted to a residential or nonresidential facility licensed by the department of human services to provide treatment or detoxification to chemically abusive or dependent persons, provided that the admission was not related to a current offense; or

(5) that the defendant was assessed as meeting the criteria for placement in primary residential treatment under Minnesota Rules, part 9530.6630, at the time of the current offense but has since demonstrated at least two specific behavior changes indicative of an ability to abstain; or

(6) that the defendant was assessed as meeting the criteria for primary outpatient treatment under Minnesota Rules, part 9530.6625, at the time of the current offense.

Sec. 4. Minnesota Statutes 1988, section 169.126, is amended by adding a subdivision to read:

Subd. 7. [RESIDENTIAL TREATMENT.] In order to certify that the public safety requires the residential treatment of the defendant, the court must expressly find one or more of the following:

(1) that the defendant, within five years of the current offense, was previously convicted of two or more misdemeanor or gross misdemeanor offenses in which alcohol or controlled substance abuse was a contributing factor; or

(2) that the defendant, within five years of the current offense, was previously convicted of a felony in which alcohol or controlled substance abuse was a contributing factor; or

(3) that the current offense is an alcohol-related driving offense in

which the defendant's alcohol concentration was 0.25 or greater and the defendant has previously been convicted of any offense in which alcohol or controlled substance abuse was a contributing factor; or

(4) that the defendant, within the past three years, was admitted to a residential or nonresidential facility licensed by the department of human services to provide treatment or detoxification to chemically abusive or dependent persons, provided that the admission was not related to a current offense; or

(5) that the defendant was assessed as meeting the criteria for placement in primary residential treatment under Minnesota Rules, part 9530.6630, at the time of the current offense and has not demonstrated specific behavior changes indicative of any ability to abstain.

Sec. 5. Minnesota Statutes 1988, section 169.126, is amended by adding a subdivision to read:

Subd. 8. [TERM DEFINED.] For purposes of subdivisions 6 and 7, a finding that a court order under chapter 518B was issued against the defendant on the basis of an incident in which the defendant's alcohol or chemical substance abuse was a contributing factor, shall be equivalent to a conviction for a previous misdemeanor offense.

Sec. 6. Minnesota Statutes 1988, section 254B.03, subdivision 1, is amended to read:

Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local agency shall provide chemical dependency services to persons residing within its jurisdiction who meet criteria established by the commissioner or who are certified by the court under the provisions of sections 2 to 5, or 7 for placement in a chemical dependency residential or nonresidential treatment service. Chemical dependency money must be administered by the local agencies according to law and rules adopted by the commissioner under sections 14.01 to 14.69.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of human services, select eligible vendors of chemical dependency services who can provide economical and appropriate treatment. Unless the local agency is a social services department directly administered by a county or human services board, the local agency shall not be an eligible vendor under section 254B.05. The commissioner may approve proposals from county boards to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. If a county implements a demonstration or experimental medical services funding plan, the commissioner shall transfer the money as appropriate. If a county selects a vendor located in another state, the county shall ensure that the vendor is

in compliance with the rules governing licensure of programs located in the state.

Sec. 7. Minnesota Statutes 1988, section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE.]

Subdivision 1. [GENERALLY.] Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) to life imprisonment; or
- (2) to imprisonment for a fixed term of years set by the court; or
- (3) to both imprisonment for a fixed term of years and payment of a fine; or
- (4) to payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or
- (5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both.

Notwithstanding any law or rule to the contrary, when the defendant is convicted of a felony, the court may also order the residential or nonresidential treatment of the defendant for chemical abuse if the presentence investigation performed pursuant to section 609.115, subdivision 1, indicates that alcohol or controlled substance abuse was a contributing factor to the commission of the crime and if an assessor designated by the court and qualified under rules adopted by the commissioner under section 254A.03, subdivision 3, or credentialed by the Institute for Chemical Dependency Professionals, that the defendant is chemically dependent, chemically abusive, or in need of treatment for chemical abuse problems. The court shall also certify to the local providing agency and the commissioner of human services that the public safety requires treatment.

Subd. 2. [COURT-ORDERED NONRESIDENTIAL TREATMENT.] In order to certify that the public safety requires the nonresidential treatment of the defendant, the court must expressly find one or more of the following:

- (1) that the defendant, within ten years of the current offense or offenses, was previously convicted of two or more misdemeanor or gross misdemeanor offenses in which alcohol or controlled substance abuse was a contributing factor; or

(2) that the defendant, within ten years of the current offense, was previously convicted of a felony in which alcohol or controlled substance abuse was a contributing factor; or

(3) that the current offense is an alcohol-related driving offense in which the defendant's alcohol concentration was 0.25 or greater and the defendant has previously been convicted of an offense in which alcohol or controlled substance abuse was a contributing factor; or

(4) that the defendant, within the past three years, was admitted to a residential or nonresidential facility licensed by the department of human services to provide treatment or detoxification to chemically abusive or dependent persons, provided that the admission was not related to a current offense; or

(5) that the defendant was assessed as meeting the criteria for placement in primary residential treatment under Minnesota Rules, part 9530.6630, at the time of the current offense but has since demonstrated two specific behavior changes indicative of an ability to abstain; or

(6) that the defendant was assessed as meeting the criteria for primary outpatient treatment under Minnesota Rules, part 9530.6625, at the time of the offense.

Subd. 3. [COURT-ORDERED RESIDENTIAL TREATMENT.] In order to certify that the public safety requires the residential treatment of the defendant, the court must expressly find one or more of the following:

(1) that the defendant, within five years of the current offense, was previously convicted of two or more misdemeanor or gross misdemeanor offenses in which alcohol or controlled substance abuse was a contributing factor; or

(2) that the defendant, within five years of the current offense, was previously convicted of a felony in which alcohol or controlled substance abuse was a contributing factor; or

(3) that the current offense is an alcohol-related driving offense in which the defendant's alcohol concentration was 0.25 or greater and the defendant has previously been convicted of any offense in which alcohol or controlled substance abuse was a contributing factor; or

(4) that the defendant, within the past three years, was admitted to a residential or nonresidential facility licensed by the department of human services to provide treatment or detoxification to chemically abusive or dependent persons, provided that the admission was not related to a current offense; or

(5) that the defendant was assessed as meeting the criteria for placement in primary residential treatment under Minnesota Rules, part 9530.6630, at the time of the current offense and has not demonstrated specific behavior changes indicative of any ability to abstain.

Subd. 4. [TERM DEFINED.] For purposes of subdivisions 2 and 3, a finding that a court order under chapter 518B was issued against the defendant on the basis of an incident in which the defendant's alcohol or chemical substance abuse was a contributing factor, shall be equivalent to a conviction for a previous misdemeanor offense.

Sec. 8. Minnesota Statutes 1988, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. If the defendant is convicted of a felony, the report shall also indicate whether alcohol or controlled substance abuse was a contributing factor to the commission of the crime and, if so, shall contain the results of an assessment of the defendant's chemical use problem and a recommended level of care as provided in Minnesota Rules, parts 9530.6600 to 9530.6655. When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. The worksheet shall be submitted as part of the presentence investigation report.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of

that crime and to provide that victim with the information required under section 611A.037, subdivision 2.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the rules of criminal procedure.

Sec. 9. [REPEALER.]

The amendments made by sections 2 to 8 are repealed effective June 1, 1992. The provisions of Minnesota Statutes amended by sections 2 to 8 remain in effect notwithstanding this repealer. Section 645.34 is superseded to the extent it conflicts with this section.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to alcohol assessment and treatment; allowing courts to order criminal defendants into treatment upon certification to the local agency and the commissioner of human services; providing for financial responsibility for alcohol assessments; providing for repeal of these provisions on June 1, 1992; amending Minnesota Statutes 1988, sections 169.126, subdivision 4, and by adding subdivisions; 254B.03, subdivision 1; 609.10; and 609.115, subdivision 1."

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1247, A bill for an act relating to agriculture; renaming the commissioner and department of agriculture as the commissioner and department of agriculture and food; clarifying the commissioner's authority and responsibilities; providing for demonstration projects to allow women, infants, and children program recipients to redeem coupons for Minnesota grown food;

appropriating money; amending Minnesota Statutes 1988, sections 17.01 and 17.013; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 to 4

Page 2, line 29, delete "and food"

Page 2, line 31, after "coupons" insert "to participants in the federal supplemental food program" and delete "program recipients"

Page 2, line 34, delete "and food"

Page 3, line 2, after "to" insert "participants in the federal supplemental food program for"

Page 3, line 3, delete "program recipients"

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 5

Page 1, line 8, delete the second semicolon and insert a period

Page 1, delete lines 9 to 11

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

The report was adopted.

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

H. F. No. 1274, A bill for an act relating to agriculture; transferring the Minnesota trade office from the department of trade and economic development to the department of agriculture; amending Minnesota Statutes 1988, sections 17.03, subdivision 8; 17.101, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1988, section 116J.967.

Reported the same back with the following amendments:

Page 4, after line 4, insert:

"Sec. 4. Minnesota Statutes 1988, section 44A.023, is amended by adding a subdivision to read:

Subd. 3. [FISCAL AGENT.] The board shall contract with the commissioner of agriculture to have the department of agriculture act as fiscal agent for the corporation, handling all payroll and financial transactions, financial accounting, and deposits into and expenditures from the World Trade Center Corporation fund."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the second semicolon insert "and 44A.023, by adding a subdivision;"

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1314, A bill for an act relating to education; requiring post-secondary institutions to provide periodic reports under the post-secondary enrollment options act; requiring counseling prior to enrollment in a post-secondary course or program; restricting participation; requiring reimbursement for certain courses; amending Minnesota Statutes 1988, section 123.3514, subdivisions 4, 4a, 4c, and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 123.3514, subdivision 2, is amended to read:

Subd. 2. [PURPOSE.] The purpose of this section is to promote rigorous academic pursuits and to provide a wider variety of options to public high school pupils by encouraging and enabling secondary pupils to enroll full time or part time in nonsectarian and nonremedial courses or programs in eligible post-secondary institutions, as defined in subdivision 3.

Sec. 2. Minnesota Statutes 1988, section 123.3514, subdivision 4, is amended to read:

Subd. 4. [AUTHORIZATION; NOTIFICATION.] Notwithstanding any other law to the contrary, an 11th or 12th grade public school pupil may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian and nonremedial courses offered at that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school district, and the commissioner of education within ten days of acceptance. The notice shall indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for post-secondary credit, the institution shall notify the pupil about payment in the customary manner used by the institution. Acceptance for enrollment is not a guarantee of registration into a particular course. The pupil must comply with the institution's standards, prerequisites, and procedures to register for a course.

During the time a pupil is enrolled at a post-secondary institution under this section, the post-secondary institution must periodically inform the pupil; the pupil's parents or guardian, and the pupil's secondary school of the pupil's progress in the courses or programs taken for secondary credit.

Sec. 3. Minnesota Statutes 1988, section 123.3514, subdivision 4c, is amended to read:

Subd. 4c. [LIMIT ON PARTICIPATION.] A pupil who first enrolls in grade 11 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of two academic years. A pupil who first enrolls in grade 12 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of one academic year. If a pupil in grade 11 or 12 first enrolls in a post-secondary course for secondary credit during the school year, the time of participation shall be reduced proportionately. A pupil who has graduated from high school cannot participate in a program under this section. A pupil who has completed course requirements for graduation but who has not received a diploma may participate in the program under this section.

Sec. 4. Minnesota Statutes 1988, section 123.3514, subdivision 5, is amended to read:

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

for post-secondary credit. A pupil must not audit a course under this section.

A school district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Nine quarter or six semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A school district shall also grant academic credit to a pupil enrolled in a course for post-secondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district shall, as soon as possible, notify the state board of education which shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and secondary credits granted shall be included in the pupil's secondary school record. A pupil must provide the school with a copy of the pupil's grade in each course taken under this section. Upon the request of a pupil, the pupil's secondary school record shall also include evidence of successful completion and credits granted for a course taken for post-secondary credit. In either case, the record shall indicate that the credits were earned at a post-secondary institution.

If a pupil enrolls in a post-secondary institution after leaving secondary school, the post-secondary institution shall award post-secondary credit for any course successfully completed for secondary credit at that institution. Other post-secondary institutions may award, after a pupil leaves secondary school, post-secondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

Sec. 5. Minnesota Statutes 1988, section 123.3514, subdivision 7, is amended to read:

Subd. 7. [FEES; TEXTBOOKS; MATERIALS.] A post-secondary institution that receives reimbursement for a pupil under subdivision 6 may not charge that pupil for fees, textbooks, materials, or other necessary costs of the course or program in which the pupil is enrolled if the charge would be prohibited under section 120.74, except for equipment purchased by the pupil that becomes the property of the pupil. An institution may require the pupil to pay for

fees, textbooks, and materials for a course taken for post-secondary credit.

Sec. 6. Minnesota Statutes 1988, section 123.3514, is amended by adding a subdivision to read:

Subd. 7a. [TEXTBOOKS; MATERIALS.] All textbooks and equipment provided to a pupil, and paid for under subdivision 6, are the property of the pupil's school district of residence. Each pupil is required to return all textbooks and equipment to the school district after the course has ended.

Sec. 7. Minnesota Statutes 1988, section 123.3514, subdivision 10, is amended to read:

Subd. 10. [LIMIT; STATE OBLIGATION.] The provisions of subdivisions 6, 7, 8, and 9 shall not apply for any post-secondary courses in which a pupil is enrolled in addition to being enrolled full time in that pupil's district or for any post-secondary course in which a pupil is enrolled for post-secondary credit. The pupil is enrolled full time if the pupil attends credit-bearing classes in the high school or high school program for all of the available hours of instruction."

Delete the title and insert:

"A bill for an act relating to education; clarifying provisions of the post-secondary enrollment options act; limiting participation; requiring periodic reports; amending Minnesota Statutes 1988, section 123.3514, subdivisions 2, 4, 4c, 5, 7, 10, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1320, A bill for an act relating to education; establishing a staff exchange program.

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

The report was adopted.

Osthoff from the Committee on Financial Institutions and Housing to which was referred:

H. F. No. 1323, A bill for an act relating to financial institutions; industrial loan and thrifts; regulating capital stock and surplus requirements; regulating the publication of application notices; imposing a residency requirement on directors of certain companies; imposing special dividend conditions for deposit companies; amending Minnesota Statutes 1988, sections 53.015; 53.02; 53.03, subdivisions 1 and 5; 53.05; 53.06; 53.08; and 53.09, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 46.041, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF FILING APPLICATION; PUBLICATION.] Upon notice of acceptance of an application as complete in all respects for filing, the applicant shall within 30 days of the receipt of the form prescribed by the commissioner, publish a notice of the filing of the application, in a qualified newspaper published in the municipality in which the proposed bank is to be located, and if there is no such newspaper, then at the county seat of the county in a qualified newspaper likely to give notice in the municipality in which the bank is proposed to be located. The notice must be in the form prescribed by the commissioner and, in addition to the publication, the applicant shall mail a copy of the notice by certified mail to every bank located within three miles of the proposed location of the bank.

Sec. 2. Minnesota Statutes 1988, section 47.015, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL INSTITUTIONS.] As used in this section the term "financial institution" shall include banks, trust companies, banks and trust companies, mutual savings banks, industrial loan and thrift companies having outstanding certificates of indebtedness for investment ~~other than those pledged as security for a loan made contemporaneous therewith~~, savings and loan associations, ~~building and loan associations~~, national banking associations, federal reserve banks and federal savings and loan associations doing business in this state, and includes any branch or detached facility of any of them.

Sec. 3. Minnesota Statutes 1988, section 47.101, subdivision 2, is amended to read:

Subd. 2. [BANKING INSTITUTIONS; CERTAIN RELOCA-

TIONS, APPLICATIONS, NOTICE, APPROVAL.] A banking institution defined in section 48.01, subdivision 2, desiring to relocate its main office within a radius of three miles measured in a straight line shall submit an application in a form prescribed by the commissioner of commerce, an investigation fee of \$500 and additional fees as prescribed in section 46.041 if subsequently processed under subdivision 3. After the application is deemed to be complete and accepted by the commissioner of commerce, the applicant shall publish once in a form prescribed by the commissioner a notice of the filing of the application in a qualified newspaper published in the municipalities where the banking institution is located and relocating if different. If there is are no such paper newspapers, then notice of the filing shall be published at the appropriate county seats of the existing and proposed sites if different in qualified newspapers likely to give notice in the existing and proposed municipalities. The applicant shall cause the notice to be publicly displayed in its lobby and sent by certified mail to all banking institutions within three miles of the proposed location measured in a straight line. Upon expiration of a period of 21 days for comment, the commissioner, after considering the applicable conditions for issuance of the bank charter defined in section 46.044, shall within 60 days approve or disapprove the application.

Sec. 4. Minnesota Statutes 1988, section 47.16, subdivision 1, is amended to read:

Subdivision 1. If the commissioner of commerce is satisfied that the corporation has been organized for legitimate purposes, and under such conditions as to merit and have public confidence, and that all provisions of law applicable to every branch of business in which, by the terms of its certificate, it is authorized to engage, have been complied with, the commissioner shall so certify. When the original certificate, ~~with proof of publication thereof~~, and the certificate of incorporation from the secretary of state is filed with the commissioner of commerce, the commissioner shall, within 60 days thereafter, execute and deliver to it a certificate of authority.

Sec. 5. Minnesota Statutes 1988, section 47.54, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] Any bank desiring to establish a detached facility shall execute and acknowledge a written application in the form prescribed by the commissioner and shall file the application in the commissioner's office with a fee of \$500. If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the commissioner in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, shall be paid by the applicant and 50 percent equally by the intervening parties. The applicant shall within 30 days of the receipt of the form prescribed by the commissioner publish a notice of the filing of the application in a

qualified newspaper published in the municipality in which the proposed detached facility is to be located, and if there is no such newspaper, then at the county seat of the county in which the in a qualified newspaper likely to give notice in the municipality in which the proposed detached facility is proposed to be located. In addition to the publication, the applicant must mail a copy of the notice by certified mail to every bank located within three miles of the proposed location of the detached facility, measured in the manner provided in section 47.52.

Sec. 6. Minnesota Statutes 1988, section 48.475, subdivision 3, is amended to read:

Subd. 3. [GENERAL REQUIREMENTS.] If the bank at which a trust service office is to be established has exercised trust powers, then the trust company or bank which is establishing the trust service office shall enter into an agreement respecting those fiduciary powers to which the trust company or bank shall succeed and shall file the agreement with the commissioner. The trust company or bank which is establishing a trust service office under subdivision 1 shall publish a notice of the filing in the form prescribed by the commissioner in a newspaper published in the municipality in which the trust service office is to be located, and if there is no such newspaper, then at the county seat of the county in which the trust service office is to be located. The notice shall be published once in a qualified newspaper in the municipality in which the proposed trust service office is to be located, and if there is no such newspaper, then in a qualified newspaper likely to give notice in the municipality in which the proposed trust service office is to be located and proof of publication shall be filed with the commissioner immediately after publication of the notice of filing. After filing and publication, the trust company or bank establishing the trust service office shall, as of the date the office first opens for business, and without further authorization of any kind, succeed to and be substituted for the bank at which the trust service office is located as to all fiduciary powers, rights, duties, privileges, and liabilities of the bank in its capacity as fiduciary for all estates, trusts, conservatorships, guardianships, and other fiduciary relationships of which the bank is then serving as fiduciary, except as may be otherwise specified in the agreement between the bank and the trust company or bank which has established the trust service office. The trust company or bank which has established the trust service office shall also be deemed named as fiduciary in all writings, including, but not limited to, wills, trusts, court orders, and similar documents and instruments, naming the bank at which the trust service office is located signed before the date the trust service office first opens for business, unless expressly negated by the writing or otherwise specified in the agreement between the trust company or bank and the bank at which the trust service office is located. On the effective date of the substitution, the bank at which the trust service office has been established shall be released and absolved from all fidu-

ciary duties and obligations under the writings and shall discontinue its exercise of trust powers on all matters not specifically retained by the agreement. This subdivision does not absolve the bank from liabilities arising out of any breach of fiduciary duty or obligation occurring prior to the date the trust service office first opens for business. This subdivision does not affect the authority, duties, or obligations of a bank with respect to relationships which may be established without trust powers, whether the relationships arise before or after the establishment of the trust service office.

Sec. 7. Minnesota Statutes 1988, section 48.48, subdivision 1, is amended to read:

Subdivision 1. [SUBMISSION AND PUBLICATION.] At least four times in each year, and at any other time when so requested by the commissioner, every bank or trust company shall, within 30 days of the date of notice, make and transmit to the commissioner, in a form the commissioner prescribes, a report, verified by its president or vice-president and by its cashier or treasurer, and attested by at least two of its directors, stating in detail, under appropriate heads, as required by the commissioner, its assets and liabilities at the close of business on the day specified in the request. The commissioner may accept a report made to a federal authority having supervision of banks or trust companies in fulfilling this requirement. This statement shall be published once at the expense of the bank or trust company in a qualified newspaper serving in the municipality or town in which the bank or trust company is located. ~~The newspaper shall be published in the county in which the bank or trust company is located or in an adjoining county, and if there is no such newspaper, then in a qualified newspaper likely to give notice in the municipality or town in which the bank or trust company is located.~~ Proof of publication shall be filed with the commissioner immediately after publication of the report, but no later than 60 days following the date of the notice.

Sec. 8. Minnesota Statutes 1988, section 49.24, subdivision 9, is amended to read:

Subd. 9. [DIVIDENDS ON CLAIMS.] At any time after the expiration of the date fixed for the presentation of claims the commissioner may, out of the funds remaining on hand after the payment of expenses and amounts due to depositors, declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, may declare a final dividend, such dividends to be paid to such persons in such amounts as may be directed by the district court.

If any dividend on any claim shall be less than \$1, the commissioner may hold that dividend until it with subsequent dividends amounts to the sum of \$1 or more. The commissioner shall pay all dividends so withheld with the final dividend.

Sec. 9. Minnesota Statutes 1988, section 49.33, is amended to read:

49.33 [CONSOLIDATION AND MERGER, WHEN AUTHORIZED.]

Subject to the provisions of sections 49.33 to 49.41, with the written consent of the commissioner of commerce, any bank of discount and deposit or trust company may effect a transfer of its assets and liabilities to another bank or trust company for the purpose of consolidating ~~therewith~~ or merging, but the same shall be without prejudice to the creditors of either.

Sec. 10. Minnesota Statutes 1988, section 49.34, subdivision 1, is amended to read:

49.34 [CONSOLIDATION OR MERGER OF STATE BANKS OR TRUST COMPANIES, PROCEDURE.]

Subdivision 1. [GENERALLY.] Any two or more state banks, operating in the same city, may be consolidated or merged into a consolidated or merged state bank, and any two or more trust companies, operating in the same city, may be consolidated or merged into a consolidated or merged trust company, and any state bank or state banks and any trust company or trust companies, operating in the same city, may be consolidated or merged into a consolidated or merged state bank or consolidated or merged trust company, as the respective boards of directors thereof may determine. ~~All~~ The consolidation or merger shall be effected in the manner provided in sections 49.35 to 49.41 and when so organized, the consolidated or merged corporation shall be governed and conducted in all other respects as provided by the statutes relating to the respective classes of financial corporations.

Sec. 11. Minnesota Statutes 1988, section 49.35, is amended to read:

49.35 [CONSOLIDATION OR MERGER AGREEMENT.]

The respective boards of directors of the consolidating or merging corporations may, by the majority vote of all of the members of each board, make or authorize to be made between the corporations a written ~~consolidation~~ agreement, in duplicate, for the consolidation or merger of the corporations. ~~This~~ The agreement shall specify each corporation to be a party to the ~~consolidation~~ transaction, and shall prescribe the terms and conditions thereof; the mode of carrying it into effect; the authorized capital stock of the consolidated or surviving corporation, which shall not exceed the aggregate authorized capital stock of all of the corporations that are a party thereto; the name of the consolidated or surviving corporation, which may be

the name, in whole or in part, of any corporation which is a party to the agreement, and shall specify the city in which it shall have its principal place of business. It shall name the persons who shall constitute the board of directors of the consolidated or surviving corporation, but the number and qualifications of these persons shall be in accordance with the statutes relating to the number and qualifications of directors of that class of corporation.

Sec. 12. Minnesota Statutes 1988, section 49.36, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] This consolidation or merger agreement and certified copy of the proceedings of the meetings of the respective boards of directors, at which the making of the agreement was authorized, must be submitted to the commissioner of commerce for approval with a fee of \$250 payable to the commissioner of commerce. The fee must be paid in equal parts by the parties to the agreement. ~~The consolidation is, and it shall not be effective until so approved by the commissioner. The commissioner shall take action after the documents are submitted, and shall be is entitled to further information from the consolidated corporation by request any party to the transaction as may be requested by the commissioner, or as may be obtained upon a hearing directed by the commissioner.~~

Sec. 13. Minnesota Statutes 1988, section 49.37, is amended to read:

49.37 [STOCKHOLDERS TO APPROVE; CERTIFICATE OF CONSOLIDATION OR MERGER.]

Either before or after the consolidation or merger agreement has been approved by the commissioner of commerce, it must be submitted to the stockholders of each corporation at a meeting thereof called for that purpose, and it does not become binding upon the corporation until it has been approved at each of the meetings required by this section by the vote or ballot of the stockholders, holding at least a majority of the amount of stock of the respective corporations, or a higher percentage as may be required by the certificate of incorporation of the corporations. Proof of the holding of these meetings and the results thereof must be submitted to the commissioner of commerce. After the consolidation agreement called for by sections 49.33 to 49.41 has been approved by the stockholders of the respective corporations and by the commissioner of banks commerce, the latter shall issue a certificate reciting that ~~these the~~ corporations have complied with the provisions of sections 49.34 to 49.41; and declaring the consolidation or merger of these corporations; and stating the name of the consolidated or surviving corporation, the amount of capital stock thereof, and the names of the first board of directors, and the place of business of the consolidated or surviving corporation, which must be within the city

where any one of the constituent corporations has been previously authorized to have ~~its place~~ their places of business. Upon the issuing of this certificate and the ~~filing thereof of it~~ filing thereof for record in the office of the secretary of state, ~~this the incorporation is deemed to be complete, in the case of the consolidation, and the assets of the constituent corporations merged into the survivor in the case of a merger, and the consolidated or surviving corporation shall, from the date of this certificate, have the term of corporate existence therein as may be specified in it, not exceeding the longest unexpired term of any constituent corporation.~~ The certificate of the commissioner of commerce is prima facie evidence that all of the provisions of sections 49.34 to 49.41 have been complied with, and is conclusive evidence of the existence of the consolidated or surviving corporation.

Sec. 14. Minnesota Statutes 1988, section 49.38, is amended to read:

49.38 [CORPORATE EXISTENCE MERGED; RIGHTS, POWERS, OBLIGATIONS.]

Upon the consolidation or merger of any such a corporation with or into any one or more corporations, ~~into a consolidated corporation,~~ as herein provided, the corporate existence of each former corporation shall be merged into that of the consolidated or merged corporation, and all and singular its rights, privileges, and franchises, and its right, title, and interest in and to all property of whatsoever kind, whether real, personal, or mixed, and all things in action, and every right, privilege, interest, or asset of conceivable value or benefit then existing which would inure to it under an unmerged or unconsolidated existence, shall be deemed fully and finally transferred to and vested in the consolidated or surviving corporation without further act or deed, and the last mentioned corporation shall have and hold the same in its own right as fully as the same was possessed and held by the former corporation from which it was, by operation of sections 49.34 to 49.41, transferred. Its rights, obligations, and relations to any person, creditor, depositor, trustee, or beneficiary of any trust shall remain unimpaired and the corporation into which it shall have been consolidated or merged shall succeed to these relations, obligations, trusts, and liabilities and shall execute and perform all such trusts in the same manner as though it had itself assumed the relation or trust, or incurred the obligation or liability; and its liabilities and obligations to creditors existing for any cause shall not be impaired by the consolidation or merger, nor shall any obligation or liability of any stockholder, in any corporation which is a party to the consolidation or merger, be affected by any such consolidation or merger, but these obligations and liabilities shall continue as fully and to the same extent as existed before the consolidation or merger. The consolidated or surviving corporation shall become, without further act or deed, the successor of the consolidating or constituent corporations in any and

all fiduciary capacities, in which each consolidated or constituent corporation may be acting at the time of the consolidation or merger, and shall be liable to all beneficiaries as fully as if the consolidating or merging corporations had continued its separate corporate existence. If any consolidating or merging corporation shall be nominated and appointed, or shall have been nominated or appointed, as executor, guardian, administrator, agent, or trustee, or in any other trust ~~relation~~ relationship of fiduciary capacities in any will, trust agreement, trust conveyance, or any other conveyance, order, or judgment of any court, or any other instrument prior to the consolidation or merger, even though the will or other instrument shall not become operative or effective until after the consolidation or merger shall have become effective, every such office, trust relationship, fiduciary capacity, and all of the rights, powers, privileges, duties, discretions, and responsibilities so provided to devolve upon, vest in, or inure to the corporation so nominated or appointed, shall fully and in every respect devolve upon, vest in, and inure to, and be exercised by, the consolidated or surviving corporation, whether there be one or more successive mergers or consolidations.

Sec. 15. Minnesota Statutes 1988, section 49.39, is amended to read:

49.39 [CONSOLIDATION OR MERGER OF BANKS AND TRUST COMPANIES.]

Upon the consolidation or merger of a trust company with a national banking corporation into a consolidated or merged banking corporation, as provided by any existing act of Congress of the United States, the corporate existence of that trust company shall be consolidated or merged into that of the consolidated or merged banking corporation to the same extent and with the same effect provided in section 49.38, relating to the consolidation or merger of two or more state banks or trust companies.

Sec. 16. Minnesota Statutes 1988, section 49.40, is amended to read:

49.40 [PENDING ACTIONS OR PROCEEDINGS NOT AFFECTED.]

Any pending action or other judicial proceeding in which any consolidating or merging corporation is a party shall not be deemed to have abated or to have discontinued by reason of the consolidation or merger but may be prosecuted to final judgment, order, or decree in the same manner as if the consolidation or merger had not been made, or the consolidated or merged corporation may be substituted as a party to the action or proceeding, and any judgment, order, or decree may be rendered for or against it that might have been rendered for or against that corporation if the consolidation or merger had not occurred.

Sec. 17. Minnesota Statutes 1988, section 49.41, is amended to read:

49.41 [RIGHTS OF DISSENTING STOCKHOLDERS.]

Any stockholder not voting in favor of the agreement of consolidation or merger at the meeting prescribed in section 49.37 may, at that meeting, or within 20 days thereafter, object to the consolidation or merger and demand payment for that person's stock. If the consolidation or merger takes effect at any time after this demand, the stockholder may, at any time within 60 days thereafter, apply to the district court in the county wherein is situated the principal place of business of the corporation with which the other or others are consolidated or merged, for the appointment of three persons to appraise the value of that person's stock. The court shall thereupon appoint these appraisers and designate the time and place of their first meeting, with such directions in regard to their proceedings as shall be deemed proper, and also direct the time and manner in which payment shall be made of the value of that person's stock to the stockholder. The appraisers shall meet at the time and place designated, after being duly sworn to discharge their duties honestly and faithfully, make and certify a written estimate of the value of the stock at the time of the appraisal, and deliver one copy to the corporation and another to the stockholder, if demanded. The charges and expenses of the appraisers shall be paid one-half by the stockholder and one-half by the corporation. When the corporation shall have paid the appraised value of this stock, the stock shall be canceled and this stockholder shall cease to be a member of the corporation or to have any interest in this stock or in the corporation or in the corporate property, and this stock may be held and disposed of by the corporation for its own benefit.

Sec. 18. Minnesota Statutes 1988, section 53.015, is amended to read:

53.015 [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. [PAID-IN CAPITAL SURPLUS.] "Paid-in capital" "Surplus" means the sum total of all funds: (1) received as consideration received in excess of the par value of preferred or common stock; and (2) transferred from undivided profits as dedicated funds, by action of the board of directors.

Subd. 3. [INVESTED INCOME UNDIVIDED PROFITS.] "Invested income" "Undivided profits" means the net remaining funds resulting from the operation of the corporation and shall include,

but not be limited to retained earnings, earned surplus, undivided profits and current earnings.

Subd. 4. [DONATED CAPITAL STOCK.] "Donated capital" means all funds contributed by the stockholders, other than funds received in connection with the issuance of stock, and such amounts transferred from invested income, either by declaration of a share dividend or by action of the board of directors.

Subd. 5. [CONTRIBUTED CAPITAL.] "Contributed capital" means the sum total of all funds contributed to the corporation by the stockholders and shall include, but not be limited to preferred stock, common stock, paid-in capital and donated capital.

Subd. 6. [APPROPRIATED RESERVES.] "Appropriated reserves" means dedicated funds transferred from invested income by action of the board of directors, which dedicated funds shall otherwise be known as a capital reserve. "Capital stock" means the par value of preferred or common stock multiplied by the respective number of shares of each type of stock.

Sec. 19. Minnesota Statutes 1988, section 53.02, is amended to read:

53.02 [CAPITAL.]

No corporation shall be organized under this chapter or qualified to do business thereunder with a capital represented by shares of common stock of less than \$25,000 in cities with less than 50,000 people; \$50,000 in cities with more than 50,000 people and less than 100,000 people; and \$75,000 in cities with 100,000 people, or more, according to the last official census; each share of that common stock to have a par value of not less than \$1 per share. No corporation shall begin doing business under this chapter unless the required capital is fully paid, and unless a ~~paid-in capital~~ surplus of not less than ten percent of that required capital shall have also been fully paid and set up. After the required capital of a corporation organized or doing business under this chapter shall have been fully paid and a ~~paid-in capital~~ surplus of not less than ten percent thereof also fully paid and set up, additional capital stock in that corporation may be sold at not less than par, provided, however, that there is always maintained a ~~paid-in capital~~ surplus of at least ten percent of the capital of the corporation represented by shares of common stock.

Sec. 20. Minnesota Statutes 1988, section 53.03, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION, FEE, NOTICE.] Any corporation hereafter organized as an industrial loan and thrift company, shall, after compliance with the requirements set forth in sections 53.01

and 53.02, file a written application with the department of commerce for a certificate of authorization. A corporation that will not sell or issue thrift certificates for investment as permitted by this chapter need not comply with subdivision 2b. The application must be in the form prescribed by the department of commerce. The application must be made in the name of the corporation, executed and acknowledged by an officer designated by the board of directors of the corporation, requesting a certificate authorizing the corporation to transact business as an industrial loan and thrift company, at the place and in the name stated in the application. At the time of filing the application the applicant shall pay a \$1,000 filing fee and a \$500 investigation fee. The fees must be turned over by the commissioner to the state treasurer and credited to the general fund. The applicant shall also submit a copy of the bylaws of the corporation, its articles of incorporation and all amendments thereto at that time. If the application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited to the general fund shall be paid by the applicant and 50 percent equally by the intervening parties. A notice of the filing of the application must be published once within 30 days of the receipt of the form prescribed by the department of commerce, at the expense of the applicant, in a qualified newspaper published in the municipality in which the proposed industrial loan and thrift company is to be located, or, if there be none, in a qualified newspaper published at the county seat of the county likely to give notice in the municipality in which the company is proposed to be located. If the department of commerce receives a written objection to the application from any person within 20 days of the notice having been fully published a contested case hearing must be conducted on the application. Notice of a hearing in connection with this section must be published once in the form prescribed by the department of commerce, at the expense of the applicant, in the same manner as a notice of application.

Sec. 21. Minnesota Statutes 1988, section 53.03, subdivision 5, is amended to read:

Subd. 5. [PLACE OF BUSINESS.] Not more than one place of business may be maintained under any certificate of authorization issued subsequent to the enactment of Laws 1943, chapter 67, pursuant to the provisions of this chapter, but the department of commerce may issue more than one certificate of authorization to the same corporation upon compliance with all the provisions of this chapter governing an original issuance of a certificate of authorization. To the extent that previously filed applicable information remains unchanged, the applicant need not refile this information, unless requested. The filing fee for a branch application shall be \$500 and the investigation fee \$250. If a corporation has been issued more than one certificate of authorization, the corporation shall allocate a portion of ~~contributed~~ capital stock to each office for which

a certificate has been issued, in order to comply with the capital requirements of sections 53.02 and 53.05, clause (2), which sections are applicable to each office and the capital allocated thereto in the same manner as if each certificate had been issued to a separate corporation. An industrial loan and thrift corporation with deposit liabilities may change one or more of its locations upon the written approval of the commissioner of commerce. A fee of \$100 must accompany each application to the commissioner for approval to change the location of an established office. An industrial loan and thrift corporation that does not sell and issue thrift certificates for investment may change one or more locations by giving 30 days' written notice to the department of commerce which shall promptly amend the certificate of authorization accordingly.

Sec. 22. Minnesota Statutes 1988, section 53.05, is amended to read:

53.05 [POWERS, LIMITATION.]

No industrial loan and thrift company may do any of the following:

(1) carry demand banking accounts; use the word "savings" unless the institution's investment certificates, savings accounts, and savings deposits are insured by the Federal Deposit Insurance Corporation and then only if the word is not followed by the words "and loan" in its corporate name; use the word "bank" or "banking" in its corporate name; operate as a savings bank;

(2) have outstanding at any one time certificates of indebtedness, savings accounts, and savings deposits; ~~exclusive of those held by the company, as security for loans made by it of more than seven times the sum of the contributed capital and appropriated reserves of the company until July 1, 1985, or the date an industrial loan and thrift company obtains a commitment for insurance or guarantee of accounts acceptable to the commissioner as required by section 53.10, whichever is earlier, and thereafter 15~~ 30 times the sum of contributed capital stock and appropriated reserves surplus of the company;

(3) accept trusts, except as provided in section 47.75, subdivision 1, or act as guardian, administrator, or judicial trustee in any form;

(4) deposit any of its funds in any banking corporation, unless that corporation has been designated by vote of a majority of directors or of the executive committee present at a meeting duly called, at which a quorum was in attendance;

(5) change any allocation of capital made pursuant to section 53.03 or reduce or withdraw in any way any portion of the contrib-

uted capital stock and appropriated reserves surplus without prior written approval of the commissioner of commerce;

(6) take any instrument in which blanks are left to be filled in after execution;

(7) lend money in excess of ~~15~~ 20 percent of the total of its contributed capital and appropriated reserves stock and surplus at all its authorized locations to a person primarily liable. "Contributed capital and appropriated reserves" means the total of the company's contributed capital and appropriated reserves at all its authorized locations.

If a loan has been made to a person primarily liable and payments have been made on a certificate of indebtedness securing it, the amount of the payments may be added to the limitation contained in this clause for the purpose of determining whether additional loans may be made to that person. However, industrial loan and thrift companies with deposit liabilities must comply with the provisions of section 48.24; or

(8) issue cashier's checks pursuant to section 48.151, unless and at all times the aggregate liability to all creditors on these instruments is protected by a special fund in cash or due from banks to be used solely for payment of the cashier's checks.

Sec. 23. Minnesota Statutes 1988, section 53.06, is amended to read:

53.06 [DIRECTORS, RESIDENCE.]

At least three-fourths of the directors of any industrial loan and thrift company holding a certificate that includes the right to issue thrift certificates for investment must be residents of the county in which the industrial loan and thrift company maintains its principal place of business, an adjacent county or any county in which the industrial loan and thrift company maintains a place of business pursuant to this chapter Minnesota.

Sec. 24. Minnesota Statutes 1988, section 53.08, is amended to read:

53.08 [DIVIDENDS.]

Subdivision 1. [GENERAL CONDITIONS FOR DIVIDENDS.] When an industrial loan and thrift company is organized under this chapter or operating thereunder, the board of directors may declare a dividend of so much of the net profits of the corporation, after providing for all expenses, reserves, interest, and taxes accrued or due from the corporation, as they shall judge expedient, but before

any dividend is declared, not less than one-tenth of the net profits of the industrial loan and thrift company of the preceding half year, or for such period as is covered by the dividend, shall be carried to ~~an~~ invested income fund or appropriated reserves surplus until the aggregate of invested income undivided profits and appropriated reserves surplus shall amount to 20 percent of its capital represented by shares of common stock.

Subd. 2. [SPECIAL CONDITIONS FOR DEPOSIT COMPANIES.] In addition to the conditions in subdivision 1, industrial loan and thrift companies having outstanding time certificates of indebtedness, savings accounts, or savings deposits must comply with the following special conditions:

(1) the dividend period for the purpose of declaring dividends shall be the period beginning on January 1 and ending as of the close of business December 31 of each calendar year and the net income for this period shall be determined from the consolidated report of income of each company;

(2) the department of commerce will supply each company with forms to be completed with information called for. The forms must be mailed or delivered to the commissioner within ten days of the date of declaration of any dividend and at least 15 days before the proposed payment date of any dividend. The forms shall contain a statement by the commissioner providing that if certain requirements as set forth in the statement are met, the company may pay a cash dividend or dividends without specific approval of the commissioner in the year after the dividend period amounts so as not to reduce the company's capital, surplus, undivided profits, and reserves below these requirements;

(3) declared dividends shall be deducted from undivided profits and carried on the books as another liability entitled "dividends payable." The other liability account shall be reversed upon payment or nonapproval by the commissioner; and

(4) except as provided for in clause (2), no company shall pay a cash dividend to its stockholders until written approval for the dividend has been obtained from the commissioner.

Sec. 25. Minnesota Statutes 1988, section 53.09, subdivision 3, is amended to read:

Subd. 3. [PENALTIES.] The penalties for violation of this chapter, or for any wrongdoing in connection therewith, shall be the same as those applied to state banks under the laws of this state. In addition to being subject to the penalties in section 48.28, a company in violation of section 53.05, clause (2), may cure this violation in the manner provided in section 48.28.

Sec. 26. Minnesota Statutes 1988, section 54.294, subdivision 1, is amended to read:

Subdivision 1. [DOCUMENTS FILED FOR EXAMINATION.] Notwithstanding the examination frequency prescribed by section 46.04, the examination of the face amount certificate companies described in Minnesota Statutes 1974, section 54.26, shall be carried out on an annual basis by the commissioner. In conducting such examination, the commissioner may utilize reports which have been audited and attested to by independent certified public accountants. The procedures employed by the independent certified public accountants shall conform to generally accepted auditing standards. Each face amount certificate investment company shall file with the commissioner copies of its prospectuses, semiannual and annual reports to shareholders, S-1 registration statements and amendments thereto, and annual reports to the United States Securities and Exchange Commission, all as filed pursuant to the requirements of the Securities Act of 1933, as amended and the rules and regulations adopted pursuant thereto, the Securities Exchange Act of 1934, as amended and the rules and regulations adopted pursuant thereto, and the Investment Company Act of 1940, as amended and the rules and regulations adopted pursuant thereto. The commissioner may accept as filed copies of the foregoing material previously filed with the commissioner of commerce. Other face amount certificate investment companies described in Minnesota Statutes 1974, section 54.26, shall file with the commissioner copies of their semiannual and annual reports, which annual reports have been audited and attested to by independent certified public accountants as to assets maintained on deposit and the value thereof, and semiannual and annual reports, which annual reports have been certified by independent certified public accountants, as to certificate liabilities.

Sec. 27. Minnesota Statutes 1988, section 56.131, subdivision 1, is amended to read:

Subdivision 1. [INTEREST RATES AND CHARGES.] (a) On any loan in a principal amount not exceeding \$35,000 or ten percent of a corporate licensee's contributed capital stock and appropriated reserves surplus as defined in section 53.015, if greater, a licensee may contract for and receive interest, calculated according to the actuarial method, not exceeding the equivalent of the greater of any of the following:

(1) the total of: (i) 33 percent per year on that part of the unpaid balance of the principal amount not exceeding \$350; and (ii) 19 percent per year on that part of the unpaid balance of the principal amount exceeding \$350; or

(2) 21.75 percent per year on the unpaid balance of the principal amount.

(b) On any loan where interest has been calculated according to the method provided for in paragraph (a), clause (1), interest must be contracted for and earned as provided in that provision or at the single annual percentage rate computed to the nearest 1/100 of one percent that would earn the same total interest at maturity of the contract as would be earned by the application of the graduated rates provided in paragraph (a), clause (1), when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time on interest-bearing and precomputed loans, including, but not limited to the calculation of interest, a day is considered $\frac{1}{30}$ of a month when calculation is made for a fraction of a calendar month. A year is 12 calendar months. A calendar month is that period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date, to the last day of the following month. When a period of time includes a whole month and a fraction of a month, the fraction of a month is considered to follow the whole month.

In the alternative, for interest-bearing loans, a licensee may charge interest at the rate of $\frac{1}{365}$ of the agreed annual rate for each actual day elapsed.

(e) With respect to interest-bearing loans:

(1) Interest must be computed on unpaid principal balances outstanding from time to time, for the time outstanding. Each payment must be applied first to the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest must not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in paragraph (f), clause (3). The resulting loan contract is deemed a new and separate loan transaction for all purposes.

(f) With respect to precomputed loans:

(1) Loans must be repayable in substantially equal and consecu-

tive monthly installments of principal and interest combined, except that the first installment period may be more or less than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days and must be reduced by the amount of interest for the number of days less than one month to the first installment payment; and monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments must be applied in the order in which they become due.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the borrower with the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; if the prepayment is made other than on a scheduled payment date, the nearest scheduled installment payment date must be used in the computation; provided further, if the prepayment occurs prior to the first installment due date, the licensee may retain $\frac{1}{30}$ of the applicable charge for a first installment period of one month for each day from the date of the loan to the date of prepayment, and shall refund or credit the borrower with the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the licensee shall credit the borrower with the same refund as if prepayment in full had been made on the date the judgment is entered.

(4) If an installment, other than the final installment, is not paid in full within ten days of its scheduled due date, a licensee may contract for and receive a default charge not exceeding five percent of the amount of the installment, but not less than \$4.

A default charge under this subdivision may not be collected on an installment paid in full within ten days of its scheduled due date, or deferred installment due date with respect to deferred installments, even though a default or deferral charge on an earlier installment has not been paid in full. A default charge may be collected at the time it accrues or at any time thereafter.

(5) If the parties agree in writing, either in the loan contract or in a subsequent agreement, to a deferment of wholly unpaid installments, a licensee may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be

paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall make or credit to the borrower a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the single annual percentage rate permitted by this subdivision may be charged on the unpaid balance until fully paid.

(7) Following the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to interest-bearing under ~~paragraph (f)~~, clause (6), may charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the single annual percentage rate permitted by this subdivision until fully paid.

Sec. 28. Minnesota Statutes 1988, section 56.155, subdivision 2, is amended to read:

Subd. 2. [PROPERTY INSURANCE.] A licensee may require the obligors to provide insurance on real or personal property security against reasonable risks of loss, damage, and destruction. The amount and term of the insurance shall be reasonable in relation to the value of the security; ~~but the amount and term of the insurance and shall not exceed the principal amount of the loan and term of the loan, less any existing insurance, including homeowner's insurance as defined by section 65A.27, subdivision 4, on the secured property as to which the lender has been provided a loss payable clause, except that the lender may insure or arrange for insurance not to exceed the reasonable value of any motor vehicle collateral-less any existing insurance on the motor vehicle as to which the lender has been provided a loss payable clause. The term of the insurance shall also be reasonable in relation to the value of the security and shall not exceed the term of the loan.~~ The restrictions contained in this subdivision shall not apply to the sale or provision of homeowner's insurance as defined in section 65A.27. In all cases when insurance is offered the obligor shall be informed that the obligor has the option of providing insurance through existing policies of insurance that the obligor owns or controls, or by

procuring and furnishing the offered coverage through any insurer authorized to transact an insurance business within this state. The purchase of such insurance through the licensee or from an agent, broker, or insurer specified by the licensee shall not be required."

Delete the title and insert:

"A bill for an act relating to financial institutions; amending Minnesota Statutes 1988, sections 46.041, subdivision 2; 47.015, subdivision 1; 47.101, subdivision 2; 47.16, subdivision 1; 47.54, subdivision 1; 48.475, subdivision 3; 48.48, subdivision 1; 49.24, subdivision 9; 49.33; 49.34, subdivision 1; 49.35; 49.36, subdivision 1; 49.37; 49.38; 49.39; 49.40; 49.41; 53.015; 53.02; 53.03, subdivisions 1 and 5; 53.05; 53.06; 53.08; 53.09, subdivision 3; 54.294, subdivision 1; 56.131, subdivision 1; and 56.155, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1332, A bill for an act relating to state government; authorizing the Minnesota Educational Computing Corporation to sell or offer for sale all or substantially all of the assets or any of the ownership of the Minnesota Educational Computing Corporation; clarifying disposition of assets upon dissolution; amending Minnesota Statutes 1988, sections 119.04, subdivision 2, and by adding subdivisions; and 119.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 119.04, subdivision 2, is amended to read:

Subd. 2. [POWERS.] The board of directors has the authority to engage in all activities which carry out the public purpose expressed in section 119.01 and which are consistent with sections 119.01 to 119.09. This authority includes but is not limited to acquiring, leasing, and disposing of real and personal property, establishing banking relationships, borrowing funds, establishing policies relating to personnel and compensation of personnel, and purchasing insurance. The board of directors may form wholly-owned subsidiaries. A subsidiary shall be under the management control of the MECC board of directors. The board of directors shall employ and set the compensation for the chief officer of MECC at not to exceed 95

percent of the salary of the governor as provided by section 15A.081, subdivision 6. The chief officer shall direct and carry on the work of MECC and assignments of the board. The board may establish bylaws and elect an executive committee.

~~The board of directors does not have the power to sell or offer for sale all or substantially all of the assets or any of the ownership of MECC.~~

Sec. 2. Minnesota Statutes 1988, section 119.04, is amended by adding a subdivision to read:

Subd. 3. [SALE OF CORPORATION.] The board of directors may sell all, substantially all, or part of the assets or any of the ownership of the corporation. When any part is sold, the board shall transfer the assets or ownership that is sold to the purchaser. Upon the sale of all or substantially all of the assets or ownership of the corporation, the board of directors shall dispose of any remaining assets and dissolve the corporation.

Sec. 3. Minnesota Statutes 1988, section 119.04, is amended by adding a subdivision to read:

Subd. 4. [DISTRIBUTION OF PROCEEDS.] If all or substantially all of the assets of the corporation are sold, the proceeds of the sale must be applied in the following order:

(1) any liabilities and obligations of the corporation must be paid, satisfied, or discharged or adequate provision must be made to do so;

(2) the corporation must be reimbursed for all expenses incurred in connection with the offer for sale and the sale of the corporation; and

(3) any remaining proceeds must be deposited in the permanent school fund.

Sec. 4. Minnesota Statutes 1988, section 119.06, subdivision 3, is amended to read:

Subd. 3. [EMPLOYEE RETIREMENT AND INSURANCE.] As long as the state owns at least a majority of the assets or ownership of MECC, the department of employee relations shall accept MECC employees in retirement plans and group life, health, and dental insurance plans provided MECC and its employees apply and fully pay the premiums and contributions of these plans. For a period of 90 days after the effective date of this section, employees of the consortium who are members of the Minnesota state retirement system or the teachers retirement association shall be entitled to transfer their accumulated employer and employee contributions,

not including interest, from those funds to the state unclassified employees retirement program under chapter 352D. For purposes of coverage under section 352D.02, subdivision 1, MECC employees transferring under this section shall be considered to be unclassified employees of the state.

Sec. 5. Minnesota Statutes 1988, section 119.09, is amended to read:

119.09 [DISSOLUTION.]

In the event of the dissolution of MECC for any reason except a sale of all or substantially all of the assets or ownership of the corporation under section 119.04, the state of Minnesota, upon action by the governor, after consultation with the legislative advisory commission, shall have the option to require return of all the assets of MECC to the state in exchange for the assumption of all outstanding obligations of MECC.

Sec. 6. [PROCEDURES AND CONDITIONS OF AN OFFER.]

Subdivision 1. [OFFER REQUIRED.] The board of directors of the Minnesota educational computing corporation, in consultation with the commissioner of finance, shall solicit offers to purchase all or part of the assets or ownership of the corporation according to this section.

Subd. 2. [CONDITIONS OF SALE.] Sale of all or any part of the assets of or ownership of the corporation shall be conditioned upon both of the following:

(a) The buyer and all subsequent buyers must continue to provide those computing and technology-related products developed by the Minnesota educational computing corporation to Minnesota educational institutions at one-half of the lowest price the products are sold to any non-Minnesota educational institution. Minnesota educational institutions shall maintain the right to unlimited copies of products they purchase.

(b) All products existing or substantially developed at the time of the sale shall be copyrighted in the name of the state of Minnesota. The buyer may sell and market copyrighted products.

Subd. 3. [EVALUATION METHODS.] Before requesting proposals, the board and the commissioner of finance shall jointly establish:

(1) factors to be used in the review and evaluation of proposals from responsible bidders;

(2) a method for determining whether or to what degree each factor has been or would be likely to be met;

(3) the relative importance of each factor;

(4) whether both of the conditions in subdivision 2 are satisfied; and

(5) other procedures to be used to review and evaluate proposals.

Subd. 4. [PROPOSAL OPTIONS.] The board shall request proposals, according to the procedures and deadlines it determines, for any or a combination of the following:

(1) sale of all or substantially all of the assets or ownership of the corporation to a private or public corporation, partnership, or proprietorship;

(2) sale of less than one-half of the assets or ownership of the corporation to a private or public corporation, partnership, or proprietorship;

(3) sale of all, substantially all, or any part of the assets or ownership of the corporation to the employees of the corporation; and

(4) a public offering of the sale of all, substantially all, or any part of the assets or ownership of the corporation.

Subd. 5. [PROHIBITION ON PARTICIPATION IN PROPOSALS.] Except for a proposal under subdivision 4, clause (3), no member of the board and no employee in a management position may participate in a proposal submitted to the board according to subdivision 4 unless the member resigns from the board or the employee terminates employment.

Subd. 6. [EVALUATION FACTORS.] Factors upon which all proposals received from responsible bidders by the deadline shall be evaluated include, but are not limited to, the following:

(1) the price offered by the bidder for any or all of the assets or ownership of the corporation;

(2) the extent to which the bidder will assume any liabilities and obligations of the corporation;

(3) the ability of the bidder to provide the capital needed to continue providing cost-effective computer technology-related products and services to educational institutions in the state and elsewhere;

(4) the ability of the bidder to provide, each year for five years after the date of purchase, capital for research and development in an amount comparable to similar corporations;

(5) the ability of the bidder to maintain and expand employment in the state using assets or ownership purchased from the corporation;

(6) whether and to what extent the bidder operates, conducts, and significantly contributes to business in the state; and

(7) whether the conditions of sale would be met.

Subd. 7. [PROCEDURES AND RECOMMENDATIONS.] The board shall review and evaluate all proposals and adopt recommendations. The board may recommend rejection of all proposals. By September 1, 1989, the board shall submit its recommendations and copies of proposals to the commissioner of finance. The commissioner of finance shall contract with an independent evaluator to provide a brief independent market valuation of the corporation. The board shall pay for the independent evaluation. By October 1, 1989, the commissioner of finance shall review the recommendations of the board and the independent evaluation. By November 1, 1989, the commissioner of finance shall submit the recommendations of the board of directors, the independent evaluation, and the recommendations of the commissioner of finance to the legislative auditor. The legislative auditor shall review the recommendations of the board of directors and the commissioner of finance and the independent evaluation and make its recommendations.

Subd. 8. [REPORT TO THE LEGISLATURE.] By January 15, 1990, the recommendations of the board of directors, the commissioner of finance, and the legislative auditor, and the independent evaluation shall be submitted to the education committees of the legislature."

Delete the title and insert:

"A bill for an act relating to education; authorizing and establishing procedures for the sale of all or part of the Minnesota Educational Computing Corporation; amending Minnesota Statutes 1988, sections 119.04, subdivision 2, and by adding subdivisions; 119.06, subdivision 3; and 119.09."

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1338, A bill for an act relating to motor vehicles; restricting access to registration information concerning passenger automobile lessees; amending Minnesota Statutes 1988, section 168.345.

Reported the same back with the following amendments:

Page 1, line 16, after "automobile" insert "registered"

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 1354, A bill for an act relating to insurance; prohibiting insurance companies from terminating agents who contact the commerce department; amending Minnesota Statutes 1988, section 72A.20, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 60A.172, is amended to read:

60A.172 [INSURANCE AGENCY CONTRACTS; CANCELLATION.]

(a) An insurer may not cancel a written agreement with an agent or, ~~without the agent's written approval at the time of a reduction or restriction,~~ reduce or restrict an agent's underwriting authority with respect to property or casualty insurance, based solely on the loss ratio experience on that agent's book of business, if: the insurer required the agent to submit the application for underwriting approval, all material information on the application was fully completed, and the agent has not omitted or altered any information provided by the applicant.

(b) For purposes of this section, "loss ratio experience" means the ratio of premiums paid divided by the claims paid during the previous two-year period.

(c) This section applies only to agents who write insurance business exclusively 80 percent or more of their gross annual

insurance business for one company or any or all of its subsidiaries and are not in the direct employ of the company.

Sec. 2. Minnesota Statutes 1988, section 72A.20, is amended by adding a subdivision to read:

Subd. 20. [CONTACT WITH DEPARTMENT.] An insurance company may not terminate or otherwise penalize an insurance agent solely because the agent contacted any government branch or agency regarding a problem that the agent or an insured may be having with an insurance company.

Sec. 3. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to insurance; regulating cancellations and terminations of agents; amending Minnesota Statutes 1988, sections 60A.172; and 72A.20, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1355, A bill for an act relating to probate; modifying provisions for the award of sentimental property and family allowances; amending Minnesota Statutes 1988, sections 525.151; and 525.152.

Reported the same back with the following amendments:

Page 2, line 32, delete "and"

Page 2, line 33, reinstate the stricken language

Page 2, line 34, reinstate the stricken "devise under the decedent's will"

Page 2, line 35, after the stricken semicolon insert "where the will was executed before the effective date of this section,"

Page 2, line 35, reinstate the stricken "and" and insert "where the devise specifically identifies the particular item of property,"

Page 2, line 36, reinstate the stricken "(3)" and insert "personal property that is the subject of a specific devise under a separate writing under section 524.2-513, unless the property is selected under section 525.151; and

(4)"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1365, A bill for an act relating to meetings of public bodies; government data practices; defining final disposition of a disciplinary action regarding personnel records; making clear that the open meeting law applies to advisory bodies and that meetings may not be closed on the basis of data classification statutes; providing an exception to the open meeting law for preliminary discussions concerning allegations of misconduct against government employees; amending Minnesota Statutes 1988, sections 13.43, subdivision 2; and 471.705, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of

sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of any later proceedings, including appeals to boards, commissions, courts, or other bodies, other legal actions, and arbitration and grievance proceedings.

Sec. 2. Minnesota Statutes 1988, section 471.705, subdivision 1, is amended to read:

Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, except meetings of the board of pardons and the commissioner of corrections.

The votes of the members of such state agency, board, commission or department or of such governing body, committee, subcommittee, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings.

Before closing a meeting, a public body shall provide the reason that the meeting is to be closed and describe the subject to be discussed.

Sec. 3. Minnesota Statutes 1988, section 471.705, is amended by adding a subdivision to read:

Subd. 1d. [CLOSING MEETING FOR PRELIMINARY CONSIDERATION OF DISCIPLINARY MATTER.] A public body subject to this section may close a meeting for preliminary consideration of specific allegations, complaints, charges, or grounds for discipline, termination, or discharge concerning an employee, volunteer, independent contractor, or student who is subject to the authority of the public body. If the members conclude that termination, discharge, or discipline of any nature may be warranted, all further meetings or hearings must be open, including any formal action on whether

discipline, termination, or discharge will be imposed, except as otherwise expressly provided by law. A motion or resolution proposing discipline, termination, or discharge may contain a recitation of specific complaints or charges warranting the action. If at a meeting the public body imposes discipline, termination, or discharge, the public body shall specify the factual basis in a motion or resolution. The motion or resolution must be public regardless of form. A meeting that could be closed under this subdivision must be open to the public if the employee, volunteer, independent contractor, or student who is the subject of the meeting requests it, unless the public body determines that third parties could be harmed in cases of alleged sexual misconduct. In the case of a minor student, the request for an open meeting must be made by the student's parent or guardian.

Sec. 4. Minnesota Statutes 1988, section 471.705, is amended by adding a subdivision to read:

Subd. 1e. [CLOSING MEETING FOR EVALUATION OF EMPLOYEES.] A public body subject to this section may close a meeting for the purpose of conducting a formal evaluation of an employee who is subject to the authority of the public body. At the next open meeting of the public body following the closed meeting at which an evaluation is conducted, the public body shall report on the conclusions of the evaluation. A meeting that could be closed under this subdivision must be open to the public if the employee who is the subject of the evaluation requests it. A public body may not close a meeting for the purposes of conducting an evaluation more than twice in any one year with respect to the same employee.

Sec. 5. [471.706] [ADVISORY BODY MEETINGS.]

Meetings of committees, commissions, boards, and similar bodies that do not have final decision-making authority and are appointed by or by authority of a state agency, board, commission, or department or the governing body of a school district, unorganized territory, county, city, town, or other public body, for the purpose of providing recommendations or advice about significant matters within the jurisdiction of the public body, shall be open to the public."

Amend the title as follows:

Page 1, line 12, delete "a subdivision" and insert "subdivisions; proposing coding for new law in Minnesota Statutes, chapter 471"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1378; A bill for an act relating to education; changing a requirement for teaching in barber school; amending Minnesota Statutes 1988, section 154.065, subdivision 2.

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

The report was adopted.

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

H. F. No. 1386, A bill for an act relating to economic development; transferring programs under the Minnesota agricultural and economic development board to the department of trade and economic development; changing the governing structure of the certified development company; changing requirements for loans to Indians; transferring program responsibilities for the allocation of bonding authority to the department of finance; eliminating certain reporting requirements; amending Minnesota Statutes 1988, sections 41A.01; 41A.02, subdivisions 7a, 15, 16, and by adding subdivisions; 41A.021; 41A.022; 41A.023; 41A.03, subdivision 3; 41A.035; 41A.036, subdivisions 1, 4, 5, and 6; 41A.04; 41A.05, subdivisions 1, 2, 3, and 4; 41A.051; 41A.06, subdivisions 2, 4, and 5; 41A.07; 41A.08; 116J.64, subdivision 7; 469.175, subdivision 2; and 474A.02, subdivisions 5a and 6; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1988, sections 41A.02, subdivision 3; 41A.065; and 469.012, subdivision 5.

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

The report was adopted.

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

H. F. No. 1395, A bill for an act relating to game and fish; regulating the time when fish houses may be on the ice; amending Minnesota Statutes 1988, section 97C.355, subdivision 7.

Reported the same back with the following amendments:

Page 1, line 10, delete "6:00" and strike "a.m." and insert "one hour before sunrise"

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1408, A bill for an act relating to metropolitan transit; requiring joint planning for light rail transit; establishing a joint planning board; requiring approval of light rail transit plans by the regional transit board; specifying the composition of the regional transit board and the metropolitan transit commission; changing various provisions relating to metropolitan transit programs and authorities; amending Minnesota Statutes 1988, sections 473.169, subdivisions 1, 3, 4, and 5; 473.17; 473.373, subdivisions 1a, 4, 5, and by adding a subdivision; 473.375, subdivisions 8 and 13; 473.404, subdivisions 2, 3, and 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1988, sections 473.1691 and 473.398.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 398A.04, subdivision 9, is amended to read:

Subd. 9. [MUNICIPAL AGREEMENTS.] The authority may enter into joint powers agreements under section 471.59 or other agreements with the municipality or municipalities named in the organization agreement, or with other municipalities situated in the counties named in the resolution, respecting the matters referred to in section 398A.06 or with another authority about any matter subject to this chapter.

Sec. 2. [473.1685] [REGIONAL RAILROAD AUTHORITIES; JOINT PLANNING.]

Subdivision 1. [JOINT PLANNING BOARD; CREATION; PURPOSE.] There is established a joint planning board for light rail transit, to:

(1) coordinate the activities of individual county regional railroad authorities in planning light rail transit facilities in the metropolitan area; and

(2) ensure that the facilities are acquired, developed, and capable of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

Subd. 2. [MEMBERSHIP.] The joint planning board consists of:

(1) two members of the governing board of each regional railroad authority that applies for and receives state funding for preliminary engineering of light rail transit facilities;

(2) one member, in addition to those under clause (1), of the governing board of the Hennepin county regional railroad authority;

(3) one member of the governing board of each regional railroad authority not represented under clause (1) that applies for and receives state funding for planning of light rail transit facilities;

(4) two members of the metropolitan transit commission; and

(5) the commissioner of transportation or an employee of the department designated by the commissioner.

Appointments under clauses (1) to (3) are made by the respective authorities, and appointments under clause (4) are made by the commission. The regional transit board shall make the appointment for any appointing authority that fails to make the required appointments by August 1, 1989. Members serve at the pleasure of the agency making the appointment.

Subd. 3. [CHAIR.] The joint planning board shall annually elect a chair from among its members.

Subd. 4. [ADMINISTRATION.] Staff and administrative services for the board must be provided by the organizations represented. The board may apply for financial assistance from the state or the regional transit board. The joint planning board may create technical and staff advisory committees as it deems appropriate to assist the board in fulfilling its responsibilities.

Sec. 3. [473.1686] [LIGHT RAIL TRANSIT; REGIONAL MANAGEMENT PLAN.]

Subdivision 1. [REQUIREMENT; PURPOSE.] (a) By January 1, 1990, the joint planning board established under section 2 shall prepare a regional management plan for light rail transit.

(b) Nothing in this section should be interpreted to require the elimination of regional railroad authorities or to forbid one or more authorities to act independently, so long as their activities are consistent with the regional management plan.

(c) The plan must ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable

of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities. The management plan must include at least the following:

(1) specifications and standards to ensure joint or coordinated procurement of vehicles, electrification, communications and ticketing facilities, yards and shops, and other facilities that must be or should be operated on a systemwide basis;

(2) systemwide operating and performance specifications and standards;

(3) a method of organizing and coordinating acquisition, construction, ownership, and operation of the system, including in particular, provision for a single light rail transit operator and the organization and coordination method required if a turn-key approach to facility acquisition is used by a regional rail authority;

(4) bus and park-and-ride coordination policies, standards, and plans;

(5) a staged systemwide development plan for a prospective ten-year period, together with a financial plan showing anticipated and recommended sources and amounts of funds for (i) capital expenditures and debt service requirements for each stage of development, and (ii) annual operating costs and operating subsidies, including the share of the operating subsidy to be paid by regional railroad authorities;

(6) a method for ensuring ongoing coordination of development, design, and operational plans; and

(7) other matters that the joint planning board deems prudent and necessary to ensure that light rail transit facilities are acquired, developed, and capable of operation in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

(d) The plan must provide for the operation of light rail transit by the metropolitan transit commission.

(e) If two or more regional railroad authorities have agreed on aspects of the regional management plan set forth in clause (c), the board shall consider incorporating those aspects into its regional management plan.

Subd. 2. [APPROVAL BY REGIONAL TRANSIT BOARD.] The joint planning board shall submit the management plan prepared under subdivision 1 to the regional transit board by March 1, 1990.

The transit board shall determine whether the plan satisfies the requirements specified in subdivision 1. The transit board shall either approve the plan or, if it determines that the plan does not satisfy the requirements, disapprove the plan, in whole or in part, and recommend modifications in the plan that are necessary in order to secure approval. The transit board may not require that the first priority of the metropolitan system plan be the first route constructed. Before completing its review, the transit board shall:

(1) submit the plan to the council and the commissioner of transportation for review and comment;

(2) assemble a peer review panel of transit and light rail transit experts of national stature to review and comment on the plan; and

(3) hold a public hearing on the plan to receive the comments and suggestions of the public.

The transit board may not include on the peer review panel any person who is employed or under contract as a consultant on light rail transit in the metropolitan area by regional railroad authorities, by a firm employed as a consultant to regional railroad authorities, by the transit commission, or by the transit commission's management contractor. The transit board has 120 days from the date of submission to complete its review of the plan or plan modifications required for approval. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the transit board and the joint planning board. The transit board shall report on the results of its review to the legislature.

Subd. 3. [APPROVAL REQUIRED.] The regional management plan must be prepared, reviewed, and approved as required by this section before any regional railroad authority may begin construction of light rail transit facilities and before any authority is eligible for state financial assistance for constructing light rail transit facilities.

Subd. 4. [IMPLEMENTATION; CONFORMITY WITH PLAN.] Each regional railroad authority or other developer of light rail transit in the metropolitan area shall act in conformity with the approved regional management plan required by this section. To the extent and in the manner prescribed in the regional management plan, each authority or proposer shall prepare or amend its final light rail transit design plans as necessary to make the local plans consistent with the approved regional management plan. Each authority shall submit its final design plans to the joint planning board for review for consistency with the regional management plan. The joint board shall approve the local plans if it determines that they are consistent with the management plan; otherwise the joint board shall disapprove the plans, in whole or in part, and

recommend modifications in the plans that are necessary in order to secure approval. The joint board has 60 days to complete its review.

Subd. 5. [PLAN AMENDMENT.] Amendments to the regional management plan must be adopted and submitted for review and approval or disapproval by the regional transit board.

Sec. 4. Minnesota Statutes 1988, section 473.169, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT DEFINITIONS AND REQUIREMENTS.] Before constructing a light rail transit facility, the political subdivision proposing the facility must hold a public hearing on the preliminary design plans as provided in subdivision 2, and submit the preliminary and final design plans for review as provided in subdivisions 3 to 5. (a) "Preliminary design plan" means a plan that identifies the following: location, length, and termini of routes; general dimension, elevation, alignment, and character of routes and crossings; approximate station locations; standards and specifications for facilities and equipment; environmental impacts and mitigation measures; intermodal coordination, with bus operations and routes and park and ride, parking, and other transportation facilities; an acquisition and implementation strategy; ridership; capital costs; operating costs and revenues; and funding for final design, construction, and operation.

(b) "Final design plan" means a plan that includes the items in the preliminary design plan for the facilities proposed for construction, but with greater detail and specificity. The final design plan must include, at a minimum: the right-of-way definition; civil engineering; engineering plans for vehicles, track, stations, parking, access, electrification, communication, and other facilities; operational rules, procedures and strategies; capital costs; operating costs and revenues; financing for construction and operation; and other similar matters, all stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities.

(c) The design plans must include a plan for handicapped accessibility.

Sec. 5. Minnesota Statutes 1988, section 473.169, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY DESIGN PLANS; LOCAL APPROVAL.] At least 30 days before the hearing under subdivision 2, the proposer must shall submit the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town must shall hold a public hearing, except that a county board need not hold a hearing if the county board membership is identical to the

membership of the regional rail authority submitting the plan for review. Within 45 days after the hearing under subdivision 2, the city, county, or town must shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the proposer. If the preliminary design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with final design plans under subdivision 5.

Sec. 6. Minnesota Statutes 1988, section 473.169, subdivision 4, is amended to read:

Subd. 4: [PRELIMINARY DESIGN PLANS; METROPOLITAN COUNCIL REFERRAL REVIEW BY REGIONAL TRANSIT BOARD.] If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed (a) After review under subdivision 3, the proposer may refer shall submit the plans, along with any comments of local jurisdictions, to the metropolitan council regional transit board.

(b) The council must board shall hold a hearing on the plan, giving the proposer and the, any disapproving local governmental units, and other persons an opportunity to present the case for or against approval of their views on the plans. The council board may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within 90 days after the referral, the council must either approve the plans as submitted by the proposer or recommend amended plans to accommodate the objections presented by the disapproving local governmental units.

(c) The board shall review the preliminary design plans to determine the compatibility of the plans with other light rail transit plans and facilities in the metropolitan area, the adequacy of the plans for handicapped accessibility, and the conformity of the plans with metropolitan transportation system plans. The board may comment on any aspect of the plans. If the board determines that the plans do not satisfy the standard stated in this paragraph, the board shall recommend modifications in the plans that are necessary in order to satisfy the board.

(d) The board has 120 days from the date of submission to complete its review of plans or plan modifications. Failure to respond within the time period is deemed to be approval, unless an extension of time is agreed to by the council and the proposer.

(e) Following ~~approval or recommendation~~ review of preliminary design plans by the council board, the proposer may proceed with final design plans under subdivision 5.

Sec. 7. Minnesota Statutes 1988, section 473.169, subdivision 5, is amended to read:

Subd. 5. [FINAL DESIGN PLANS.] (a) After the approval of preliminary design plans under subdivision 3 or review by the council following referral to the council under subdivision 4, the proposer may prepare final design plans.

(b) Before proceeding with beginning construction, the proposer must shall submit the final design plans to the governing body of each statutory and home rule city, county, and town in which the route is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town must shall review and approve or disapprove the plans for the route located in the city, county, or town. A local unit of government that disapproves the plan shall describe specific amendments to the plan that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the proposer. If the final design plans are approved by each city, county, and town in which the route is proposed to be located, the proposer may proceed with construction on that route.

(c) If the governing body of one or more cities, counties, or towns disapproves the final design plans within the period allowed (b) After review under paragraph (b) (a), the proposer may refer shall submit the final design plans, along with any comments of local jurisdictions, to the metropolitan council regional transit board. The council must board shall review the final design plans under the same procedure and with the same effect and according to the same standards as provided in subdivision 4 for preliminary design plans, except that the board shall also review the final design plans to determine whether the plans conform to the approved regional management plan required by section 3. The board shall either approve the plans or, if it determines that the plans do not satisfy the standards, disapprove the plans, in whole or in part, and recommend modifications in the plans that are necessary in order to secure approval. The board may not disapprove the first route proposed for construction solely because the route is not the first priority of metropolitan system plans.

(c) Following approval or recommendation of final design plans by the council board, the proposer may proceed with construction. A proposer may not proceed with construction unless its design plans have been approved by the board. Following approval of final design plans by the transit board, if a regional railroad authority wishes to select a bid or a response to a request for proposal that is more than

ten percent higher than the capital costs indicated in the final design plans for the facility, the authority may not proceed with construction until it has resubmitted the final design plans to the transit board for further review and approval or disapproval.

Sec. 8. Minnesota Statutes 1988, section 473.17, is amended to read:

473.17 [COOPERATION AND COORDINATION IN LIGHT RAIL TRANSIT.]

~~Notwithstanding section 473.398, Subdivision 1. [REGIONAL AGENCIES.]~~ The metropolitan council and the regional transit board shall cooperate with regional rail authorities in the study, planning, and design of regional rail authority light rail transit systems, and the metropolitan transit commission shall cooperate with regional rail authorities in the operational planning and operation of regional rail authority light rail transit systems.

Subd. 2. [COORDINATION BY REGIONAL TRANSIT BOARD.] The transit board shall ensure coordination of the activities of individual regional railroad authorities and shall ensure that light rail transit facilities in the metropolitan area are acquired, developed, owned, and operated in a coordinated manner as an integrated and unified system on a multicounty basis in coordination with buses and other transportation modes and facilities.

Subd. 3. [LIMITATION.] Nothing in this section should be interpreted to require the elimination of regional rail authorities or to forbid one or more authorities to act independently, so long as the activities are consistent with the coordination required by this section.

Sec. 9. Minnesota Statutes 1988, section 473.373, subdivision 1a, is amended to read:

Subd. 1a. [PURPOSE.] (a) The purposes of the board are:

(1) to foster effective delivery of existing transit services and encourage innovation in transit service;

(2) to increase transit service in suburban areas;

(3) to prepare implementation and financial plans for the metropolitan transit system;

(3) (4) to set policies and standards for implementing the transit policies and programs of the state and the transit policies of the metropolitan council in the metropolitan area;

(5) to advise and work cooperatively with local governments, regional rail authorities, and other public agencies, transit providers, developers, and other persons in order to coordinate all modes of transit and to increase the availability of transit services;

(4) (6) to conduct transit research and evaluation; and

(5) (7) to administer state and metropolitan transit subsidies.

(b) The board shall arrange with others for the delivery and provision of transit services and facilities. The board shall avoid, to the greatest extent possible, direct operational planning, administration, and management of specific transit services and facilities.

(c) The board shall advise the council, the council's transportation advisory board, the department of transportation, local political subdivisions, and private developers on the transit aspects and effects of proposed transportation plans and development projects and on methods of improving the coordination, availability, and use of transit services as part of an efficient and effective overall transportation system.

Sec. 10. Minnesota Statutes 1988, section 473.373, is amended by adding a subdivision to read:

Subd. 2a. [MEMBERS.] (a) The board consists of 11 members appointed by the council.

(b) Eight members are appointed from each of the following agency districts:

(1) district A, consisting of council districts 1 and 2;

(2) district B, consisting of council districts 3 and 6;

(3) district C, consisting of council districts 4 and 5;

(4) district D, consisting of council districts 7 and 9;

(5) district E, consisting of council districts 8 and 10;

(6) district F, consisting of council districts 11 and 12;

(7) district G, consisting of council districts 13 and 14, excluding the cities of Lakeville and Burnsville;

(8) district H, consisting of council districts 15 and 16, including the cities of Lakeville and Burnsville.

The members must be residents of the districts for which they are appointed and must be elected officials of statutory or home rule charter cities, towns, or counties. At least two of the members must be county board members, each from a different county. At least 30 days before the expiration of a term, or upon the occurrence of a vacancy, the council shall request nominations for the position from relevant organizations of local elected officials, such as the association of metropolitan municipalities, the metropolitan intercounty association, the association of urban counties, and the association of townships. A local unit of government that is not a member of an association of local elected officials may submit a nomination independently. The council shall make the appointment from the nominees submitted to it, to the extent possible consistent with the other requirements of this paragraph and with a fair representation of the diverse areas and constituencies affected by transit.

(c) Three citizen members with governmental or management experience are appointed to represent the interests of the metropolitan area at large. In making these appointments, the council shall follow the procedures required by section 473.141, subdivision 2.

(d) No single city or town may have more than three of its residents on the board at once.

(e) Appointments are subject to the advice and consent of the senate as provided in section 15.066.

Sec. 11. Minnesota Statutes 1988, section 473.373, subdivision 4, is amended to read:

Subd. 4. [TERMS.] The initial terms of members and the chair appointed under Laws 1984, chapter 654, article 3, section 116, section 10 commence on the first day after July 1, 1984, that the chair and at least seven other members have been appointed and qualified and July 1, 1989. The terms of members and the chair serving on the effective date of this section expire on the first day that the chair and eight members appointed under section 473.141 and this section 10 are appointed and qualified under section 473.141, subdivision 4. By August 1, 1985, the appointing authorities shall appoint a chair and eight members from the districts defined in section 473.141. The initial terms of members and the chair appointed in 1985 are as follows: members representing commission districts A, B, C, and D and the chair of the board, for terms ending the first Monday in January of the year ending in the numeral "7"; members representing commission districts E, F, G, and H for terms ending the first Monday in January of the year ending in the numeral "9." At least one of the members appointed by the council must be 65 years of age or older at the time of the appointment. The council shall appoint half of the members initially appointed under subdivision 2a, paragraph (b), to terms of two years and half to terms of four years. Thereafter the term of each member

and the chair appointed under subdivision 2a, paragraph (b), is four years, subject to the provisions on apportionment, successor qualification, removal, and vacancy of section 473.141, subdivisions 4a, 5, and 6. The council shall appoint two of the members initially appointed under subdivision 2a, paragraph (c), to a term of two years and one to a term of four years. Thereafter the term of each member appointed under subdivision 2a, paragraph (c), is four years, subject to the provisions on successor qualification, removal, and vacancy of section 473.141.

Sec. 12. Minnesota Statutes 1988, section 473.373, subdivision 5, is amended to read:

Subd. 5. [CHAIR.] (a) The board shall elect a member to serve as the chair of the board for a term of two years.

(b) The chair is paid a per diem compensation for each meeting and other services as authorized by the board and is reimbursed for expenses as provided in section 473.141, subdivision 7, except that the chair's per diem is 1½ times the per diem paid to members.

(c) The duties of the chair are:

(a) (1) to preside over all board meetings attended;

(b) (2) to serve as the principal a transit spokesperson within the metropolitan area before the legislature, other state and regional agencies, local units of government, and the general public;

(c) (3) to present to the governor and the legislature, after approval by the council, the board's financial plan for public transit in the metropolitan area;

(d) (4) to convene and preside at an annual regional transit conference of transit providers, operators, and users; and

(e) (5) to perform other duties assigned by law or by the board.

Sec. 13. Minnesota Statutes 1988, section 473.375, subdivision 8, is amended to read:

Subd. 8. [GIFTS; GRANTS.] The board may apply for, accept and disburse gifts, grants, or loans from the United States, the state, or from any person on behalf of itself or any of its contract recipients, for any of its purposes. It may enter into an agreement required for the gifts, grants, or loans and may hold, use, and dispose of money or property received therefrom according to the terms of the gift, grant, or loan. The board may not be a recipient of federal operating or capital assistance distributed by formula or block grant. The board

may not be a recipient of federal discretionary capital grants for light rail and other fixed guideway transit systems.

No political subdivision within the metropolitan area may apply for federal transit assistance unless its application has been submitted to and approved by the board.

Sec. 14. Minnesota Statutes 1988, section 473.375, subdivision 13, is amended to read:

Subd. 13. [FINANCIAL ASSISTANCE.] The board may provide financial assistance to the commission and other providers as provided in sections 473.371 to 473.449 in furtherance of and in conformance with the implementation plan of the board. The board may not use the proceeds of bonds issued by the council under section 473.39 to provide capital assistance to private, for-profit operators of public transit.

Sec. 15. Minnesota Statutes 1988, section 473.404, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The transit commission consists of three five members appointed by the transit board. One member must be a resident of the city of Minneapolis, one must be a resident of the city of St. Paul, and one two must reside in the service area of the commission outside of Minneapolis and St. Paul, and one may reside anywhere in the metropolitan area. At least one of the two members appointed as residents of the service area outside of the two cities must reside in the commission's full-peak and off-peak service area, as defined for tax purposes in section 473.446. Appointments are not subject to the advice and consent of the senate as provided in section 15.066. Appointments are not subject to the advice and consent of the senate.

Sec. 16. Minnesota Statutes 1988, section 473.404, subdivision 3, is amended to read:

Subd. 3. [TERMS.] (a) The term of each member of the commission is three years and until a successor is appointed and qualified.

(b) The initial terms of members authorized in 1984 commence on the first day after August 1, 1984, that all three members have been appointed and qualified. One member must be appointed to an initial term of one year, one to an initial term of two years, and one to an initial term of three years. The terms of members of the transit commission appointed and serving on August 1, 1984, pursuant to Minnesota Statutes 1982, section 473.141, expire on the day that the terms of members appointed pursuant to this section commence.

(c) The initial terms of the two added members, first appointed in

1989, commence August 1, 1989. One member must be appointed to an initial term of two years and one to an initial term of three years.

Sec. 17. Minnesota Statutes 1988, section 473.404, subdivision 5, is amended to read:

Subd. 5. [QUALIFICATION.] Each member of the commission must have transit, governmental, or management experience. A member shall not during a term of office be a member of the metropolitan council, the regional transit board, the metropolitan waste control commission, the metropolitan airports commission, the metropolitan sports facilities commission, or any other independent regional commission, board, or agency, or hold any judicial office. Each member shall qualify by taking and subscribing to the oath of office prescribed by the Minnesota Constitution, article 5, section 5. The oath, duly certified by the official administering it, must be filed with the metropolitan council.

Sec. 18. [TRANSIT COMMISSION; LIGHT RAIL.]

The transit commission shall be the operator of a light rail transit system upon completion of construction of a light rail transit facility, shops, yards, or line segment by a regional rail authority.

Sec. 19. [ELIGIBILITY FOR FEDERAL FUNDS; PROTECTION OF GRANT AWARDS.] Nothing in sections 1 to 18 should be interpreted to forbid, restrict, or delay an application for federal financial assistance of any regional railroad authority acting independently, or to impair, limit, or transfer to another entity the authority of a regional railroad authority to receive such assistance individually, independently, and directly, as long as the facilities or activities for which the funds are awarded conform to the requirements of sections 1 to 18. A regional rail authority is specifically authorized to apply for and receive, in its own name, federal financial assistance. The location of a light rail transit line, stations, yards, and shops for which a federal grant has been applied by April 1, 1989, is not subject to the management plan or approval under sections 1 to 18, if the grant is awarded or a notice of intent to award the grant is received.

Sec. 20. [APPLICATION.]

Sections 2 to 18 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 21. [REPEALER.]

Minnesota Statutes 1988, sections 473.1691 and 473.398, are repealed."

Delete the title and insert:

"A bill for an act relating to metropolitan transit; requiring joint planning for light rail transit; establishing a joint planning board; requiring approval of light rail transit plans by the regional transit board; specifying the composition of the regional transit board and the metropolitan transit commission; changing various provisions relating to metropolitan transit programs and authorities; amending Minnesota Statutes 1988, sections 398A.04, subdivision 9; 473.169, subdivisions 1, 3, 4, and 5; 473.17; 473.373, subdivisions 1a, 4, 5, and by adding a subdivision; 473.375, subdivisions 8 and 13; and 473.404, subdivisions 2, 3, and 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1988, sections 473.1691 and 473.398."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 1432, A bill for an act relating to transportation; requiring nonrailroad lessors to comply with certain procedures before sale of property interests; regulating cancellations of leases of railroad right-of-way; amending Minnesota Statutes 1988, sections 222.631, by adding a subdivision; 222.632; and 222.633; proposing coding for new law in Minnesota Statutes, chapter 230.

Reported the same back with the following amendments:

Pages 2 to 4, delete section 4

Renumber the remaining section

Page 4, line 27, delete "4" and insert "3"

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "amending"

Page 1, line 7, delete everything after "222.633" and insert a period

Page 1, delete line 8

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1440, A bill for an act relating to local government; requiring political subdivisions to request proposals for group insurance coverage; amending Minnesota Statutes 1988, section 43A.316, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1988, section 471.616.

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1442, A bill for an act relating to education; requesting the regents of the University of Minnesota to establish a program; appropriating money.

Reported the same back with the following amendments:

Page 1, line 15, delete "and"

Page 1, line 18, before the period insert "; and

(3) periodic in-class evaluations"

Page 1, after line 24, insert:

"Subd. 5. [OPERATING PROCEDURES.] The regents are requested to establish operating procedures of the university to conform with the procedures and sound business practices governing other public bodies including good public relations and scrupulous guardianship of the public trust."

Page 2, line 4, delete "from nonstate sources"

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1449, A bill for an act relating to Hennepin county; providing for a chief administrative deputy sheriff in the unclassified service; amending Minnesota Statutes 1988, section 383B.32, subdivision 2.

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

The report was adopted.

Wynia from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1464; A resolution memorializing the Congress of the United States to reject pending legislation that would authorize the use of Minnesota waters for the transportation of coal and would grant the right of eminent domain of coal slurry pipelines.

Reported the same back with the following amendments:

Page 2, line 6, after "the" insert "President of the United States,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1476, A bill for an act relating to tourism; authorizing the commissioner of trade and economic development to make or participate in tourism-related loans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1482, A bill for an act relating to the county of Olmsted;

providing for approval of certain conveyancing instruments by county zoning administrator.

Reported the same back with the following amendments:

Page 1, line 21, after the period insert "The zoning administrator shall complete the examination within 30 days after receipt of the transfer or division."

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Financial Institutions and Housing to which was referred:

H. F. No. 1483, A bill for an act relating to housing; establishing a rent subsidy program for certain recipients receiving aid to families with dependent children assistance; appropriating money; amending Minnesota Statutes 1988, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [462A.202] [AFDC RENTAL HOUSING SUBSIDY DEMONSTRATION PROJECT.]

Subdivision 1. [AUTHORIZATION.] The agency may develop demonstration projects to provide monthly rental housing subsidies for recipients of aid to families with dependent children who participate in employment and training programs specifically designed to reduce long-term dependence on public assistance, and which are administered by the department of human services or the department of jobs and training. The agency shall coordinate the monthly rental housing subsidy projects with the state agencies responsible for administering employment and training programs for recipients of aid to families with dependent children.

Subd. 2. [LOCAL ADMINISTRATION.] The agency may select local public housing agencies or housing and redevelopment authorities for distribution of the subsidy payments. The agency must select the local agencies or authorities based on the following criteria:

(1) demonstrated need for a rental housing subsidy project in conjunction with employment and training programs designed to

reduce long-term dependence on public assistance within the jurisdiction of the local agency or authority;

(2) evidence of a cooperative working relationship among the public and private entities administering the employment and training programs within the jurisdiction of the local agency or authority; and

(3) demonstrated capability of the local agency or authority to administer a rental housing subsidy project, such as the federal section 8 housing assistance program.

Subd. 3. [HOUSEHOLD CRITERIA.] In order to be eligible to receive a rental housing subsidy, a household must meet the following criteria:

(1) the household is not receiving housing assistance through a federal housing assistance program;

(2) 30 percent of the monthly income of the household, including the value of food stamps received, at the time of application for the housing subsidy, is less than the fair market rent for the unit size appropriate for the household, as established by the federal section 8 housing assistance program regulations; and

(3) the head of the household is certified by the administering entity to have been actively and effectively engaged for a minimum of six months in a program of employment and training designed to reduce the dependence of the household on public assistance.

Subd. 4. [PROJECT REQUIREMENTS.] A local agency or authority receiving funding must comply with the following requirements:

(1) the maximum period for which a household may receive a housing subsidy under this section is 24 months;

(2) the housing subsidy must be discontinued if the head of the household ceases to be actively and effectively engaged in a program of employment and training, as certified by the administering entity. The housing subsidy may be continued if the head of household successfully completes the program of employment or training;

(3) the maximum amount of the housing subsidy does not exceed the difference between 30 percent of household income, including the value of food stamps received, and the fair market rent for the unit size appropriate for the household as established by federal section 8 housing assistance program regulations; and

(4) the subsidy payment must be a vendor payment made directly to the property owner.

Up to ten percent of the funds received by the local agency or authority under this section may be used to pay administration costs of the project.

Financial assistance under this section provided to recipients of aid to families with dependent children must be in the form of in-kind services. To the extent possible under federal law, this assistance shall not be considered income under the food stamp or energy assistance programs.

Sec. 2. Minnesota Statutes 1988, section 462A.21, is amended by adding a subdivision to read:

Subd. 15. [AFDC RENTAL HOUSING SUBSIDY.] It may make grants to local public housing authorities or housing and redevelopment authorities for the purpose of making housing assistance payments to recipients of aid to families with dependent children as provided in section 462A.202, and may pay the costs and expenses for the development and operation of the projects.

Sec. 3. [APPROPRIATION.]

\$ is appropriated from the general fund to the Minnesota housing finance agency for the AFDC rental housing subsidy demonstration projects under section 1."

Delete the title and insert:

"A bill for an act relating to housing; establishing rent subsidy demonstration projects for certain recipients receiving aid to families with dependent children assistance; appropriating money; amending Minnesota Statutes 1988, section 462A.21, by adding a subdivision; proposing coding for new law in chapter 462A."

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

The report was adopted.

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

H. F. No. 1492, A bill for an act relating to state parks; special permits for handicapped users; amending Minnesota Statutes 1988, section 85.053, subdivision 7.

Reported the same back with the following amendments:

Page 1, line 18, after "purchased" insert "or proof of a leasehold interest in the vehicle for a term at least as long as the term of the permit"

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

The report was adopted.

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

H. F. No. 1498, A bill for an act relating to telecommunications devices for the deaf; requiring the metropolitan airports commission and certain bus stations to provide telecommunications devices for deaf people; amending Minnesota Statutes 1988, section 473.608, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256C.

Reported the same back with the following amendments:

Page 1, lines 16 and 25, delete "deaf" and insert "communication-impaired"

Amend the title as follows:

Page 1, line 2, delete "the deaf" and insert "communication-impaired people"

Page 1, line 5, delete "deaf" and insert "communication-impaired"

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 1502, A bill for an act relating to education; extending the authority of Pine Point experimental school; amending Minnesota Statutes 1988, sections 128B.09 and 128B.10.

Reported the same back with the following amendments:

Page 1, line 9, delete "1993" and insert "1991"

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1530, A bill for an act relating to commerce; regulating business relations between manufacturers of heavy and utility equipment and independent retail dealers of those products; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 3, lines 34 and 36, delete "60" and insert "180"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1571, A bill for an act relating to courts; authorizing appointment of a law clerk for each judge in the seventh judicial district; amending Minnesota Statutes 1988, section 484.545, subdivision 1.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1574, A bill for an act relating to corporations; providing that the control share acquisition and business combination statutes apply to certain corporations unless they elect not to be covered; clarifying application of the statutes; reducing the period of time that business combinations may be regulated from five years to three years; removing restrictions on business combinations if an interested shareholder acquires at least 90 percent of the voting shares; modifying requirements for the use of committees to determine whether a corporation should pursue certain legal remedies; providing that meeting notices do not have to be sent to shareholders when mail has been returned undeliverable; amending Minnesota Statutes 1988, sections 302A.011, subdivisions 41 and 49; 302A.243;

302A.435, subdivision 1; 302A.671, subdivision 1; and 302A.673, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 302A.011, subdivision 41, is amended to read:

Subd. 41. [BENEFICIAL OWNER; BENEFICIAL OWNERSHIP.]

(a) "Beneficial owner," when used with respect to shares or other securities, includes, but is not limited to, any person who, directly or indirectly through any written or oral agreement, arrangement, relationship, understanding, or otherwise, has or shares the power to vote, or direct the voting of, the shares or securities or has or shares the power to dispose of, or direct the disposition of, the shares or securities, except that:

(1) a person shall not be deemed the beneficial owner of shares or securities tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares or securities are accepted for purchase or exchange; and

(2) a person shall not be deemed the beneficial owner of shares or securities with respect to which the person has the power to vote or direct the voting arising solely from a revocable proxy given in response to a proxy solicitation required to be made and made in accordance with the applicable rules and regulations under the Securities Exchange Act of 1934 and is not then reportable under that act on a Schedule 13D or comparable report, or, if the corporation is not subject to the rules and regulations under the Securities Exchange Act of 1934, would have been required to be made and would not have been reportable if the corporation had been subject to the rules and regulations.

(b) "Beneficial ownership" includes, but is not limited to, the right to acquire shares or securities through the exercise of options, warrants, or rights, or the conversion of convertible securities, or otherwise. The shares or securities subject to the options, warrants, rights, or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding shares or securities of the class or series owned by the person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class or series owned by any other person. A person shall be deemed the beneficial owner of shares and securities beneficially owned by any relative or spouse of the person or any relative of the spouse, residing in the home of the person, any trust or estate in which the person owns ten percent or more of the total beneficial interest or serves as trustee or executor or in a

similar fiduciary capacity, any corporation or entity in which the person owns ten percent or more of the equity, and any affiliate of the person.

(c) When two or more persons act or agree to act as a partnership, limited partnership, syndicate, or other group for the purposes of acquiring, owning, or voting shares or other securities of a corporation, all members of the partnership, syndicate, or other group are deemed to constitute a "person" and to have acquired beneficial ownership, as of the date they first so act or agree to act together, of all shares or securities of the corporation beneficially owned by the person.

Sec. 2. Minnesota Statutes 1988, section 302A.011, subdivision 49, is amended to read:

Subd. 49. [INTERESTED SHAREHOLDER.] "Interested shareholder," when used in reference to any issuing public corporation, means any person (other than the issuing public corporation or any subsidiary of the issuing public corporation) that is (1) the beneficial owner, directly or indirectly, of ten percent or more of the voting power of the outstanding shares entitled to vote of the issuing public corporation or (2) an affiliate or associate of the issuing public corporation and at any time within the five-year four-year period immediately before the date in question was the beneficial owner, directly or indirectly, of ten percent or more of the voting power of the then outstanding shares entitled to vote of the issuing public corporation. Notwithstanding anything stated in this subdivision, if a person who has not been a beneficial owner of ten percent or more of the voting power of the outstanding shares entitled to vote of the issuing public corporation immediately prior to a repurchase of shares by, or recapitalization of, the issuing public corporation or similar action shall become a beneficial owner of ten percent or more of the voting power solely as a result of the share repurchase, recapitalization, or similar action, the person shall not be deemed to be the beneficial owner of ten percent or more of the voting power for purposes of clause (1) or (2) unless:

(i) the repurchase, recapitalization, conversion, or similar action was proposed by or on behalf of, or pursuant to any agreement, arrangement, relationship, understanding, or otherwise (whether or not in writing) with, the person or any affiliate or associate of the person; or

(ii) the person thereafter acquires beneficial ownership, directly or indirectly, of outstanding shares entitled to vote of the issuing public corporation and, immediately after the acquisition, is the beneficial owner, directly or indirectly, of ten percent or more of the voting power of the outstanding shares entitled to vote of the issuing public corporation.

Sec. 3. Minnesota Statutes 1988, section 302A.111, subdivision 3, is amended to read:

Subd. 3. [STATUTORY PROVISIONS THAT MAY BE MODIFIED EITHER IN ARTICLES OR IN BYLAWS.] The following provisions govern a corporation unless modified either in the articles or in the bylaws:

(a) Directors serve for an indefinite term that expires at the next regular meeting of shareholders (section 302A.207);

(b) The compensation of directors is fixed by the board (section 302A.211);

(c) A certain method must be used for removal of directors (section 302A.223);

(d) A certain method must be used for filling board vacancies (section 302A.225);

(e) If the board fails to select a place for a board meeting, it must be held at the principal executive office (section 302A.231, subdivision 1);

(f) A director may call a board meeting, and the notice of the meeting need not state the purpose of the meeting (section 302A.231, subdivision 3);

(g) A majority of the board is a quorum for a board meeting (section 302A.235);

(h) A committee shall consist of one or more persons, who need not be directors, appointed by affirmative vote of a majority of the directors present (section 302A.241, subdivision 2);

(i) The board may establish a special litigation committee of disinterested persons (section 302A.243 302A.241);

(j) The chief executive officer and chief financial officer have specified duties, until the board determines otherwise (section 302A.305);

(k) Officers may delegate some or all of their duties and powers, if not prohibited by the board from doing so (section 302A.351);

(l) The board may establish uncertificated shares (section 302A.417, subdivision 7);

(m) Regular meetings of shareholders need not be held, unless

demand by a shareholder under certain conditions (section 302A.431);

(n) In all instances where a specific minimum notice period has not otherwise been fixed by law, not less than ten-days notice is required for a meeting of shareholders (section 302A.435, subdivision 2);

(o) The number of shares required for a quorum at a shareholders' meeting is a majority of the voting power of the shares entitled to vote at the meeting (section 302A.443);

(p) The board may fix a date up to 60 days before the date of a shareholders' meeting as the date for the determination of the holders of shares entitled to notice of and entitled to vote at the meeting (section 302A.445, subdivision 1);

(q) Indemnification of certain persons is required (section 302A.521); and

(r) The board may authorize, and the corporation may make, distributions not prohibited, limited, or restricted by an agreement (section 302A.551, subdivision 1).

Sec. 4. Minnesota Statutes 1988, section 302A.161, subdivision 17, is amended to read:

Subd. 17. [COMMITTEES.] A corporation may establish committees of the board of directors, elect or appoint persons to the committees, and define their duties as provided in sections section 302A.241 and 302A.243 and fix their compensation.

Sec. 5. Minnesota Statutes 1988, section 302A.241, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] A resolution approved by the affirmative vote of a majority of the board may establish committees having the authority of the board in the management of the business of the corporation only to the extent provided in the resolution. Committees may include a special litigation committee consisting of one or more independent directors or other independent persons to consider legal rights or remedies of the corporation and whether those rights and remedies should be pursued. Committees other than special litigation committees are subject at all times to the direction and control of the board, except as provided in section 302A.243.

Sec. 6. Minnesota Statutes 1988, section 302A.251, subdivision 2, is amended to read:

Subd. 2. [RELIANCE.] (a) A director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;

(2) Counsel, public accountants, or other persons as to matters that the director reasonably believes are within the person's professional or expert competence; or

(3) A committee of the board upon which the director does not serve, duly established in accordance with ~~sections~~ section 302A.241 and 302A.243, as to matters within its designated authority, if the director reasonably believes the committee to merit confidence.

(b) Paragraph (a) does not apply to a director who has knowledge concerning the matter in question that makes the reliance otherwise permitted by paragraph (a) unwarranted.

Sec. 7. Minnesota Statutes 1988, section 302A.435, subdivision 1, is amended to read:

Subdivision 1. [TO WHOM GIVEN.] Except as otherwise provided in this chapter, notice of all meetings of shareholders shall be given to every holder of shares entitled to vote, except where unless:

(1) the meeting is an adjourned meeting and the date, time, and place of the meeting were announced at the time of adjournment; or

(2) the following have been mailed by first class mail to a shareholder at the address in the corporate records and returned undeliverable:

(i) two consecutive annual meeting notices; and

(ii) all meeting notices during the period between the two annual meetings; or all payments of dividends, provided there are at least two sent during a 12-month period.

An action or meeting that is taken or held without notice under clause (2) has the same force and effect as if notice was given. If the shareholder delivers a written notice of the shareholder's current address to the corporation, the notice requirement is reinstated.

Sec. 8. Minnesota Statutes 1988, section 302A.671, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION IN ARTICLES APPLICATION.] (a) Unless otherwise expressly provided in the articles or in bylaws approved by the shareholders of an issuing public corporation, this section applies to a control share acquisition consummated, or a proposed control share acquisition with respect to which an information statement has been received by the issuing public corporation, on or before July 31, 1990.

Unless otherwise expressly provided in the articles or in bylaws approved by the shareholders of an issuing public corporation, this section does not apply to a control share acquisition consummated after July 31, 1990, with respect to which no information statement has been received by the issuing public corporation, on or before July 31, 1990.

(b) The shares of an issuing public corporation acquired by an acquiring person in a control share acquisition that exceed the threshold of voting power of any of the ranges specified in subdivision 2, paragraph (d), shall have only the voting rights as shall be accorded to them pursuant to subdivision 4a.

Sec. 9. Minnesota Statutes 1988, section 302A.673, subdivision 1, is amended to read:

Subdivision 1. [BUSINESS COMBINATION WITH INTERESTED SHAREHOLDER; APPROVAL BY DIRECTORS.] (a) Notwithstanding anything to the contrary contained in this chapter (except the provisions of subdivision 3), an issuing public corporation may not engage in any business combination, or vote, consent, or otherwise act to authorize a subsidiary of the issuing public corporation to engage in any business combination, with, with respect to, proposed by or on behalf of, or pursuant to any written or oral agreement, arrangement, relationship, understanding, or otherwise with, any interested shareholder of the issuing public corporation or any affiliate or associate of the interested shareholder for a period of five four years following the interested shareholder's share acquisition date unless the business combination or the acquisition of shares made by the interested shareholder on the interested shareholder's share acquisition date is approved by a committee of the board of the issuing public corporation before the interested shareholder's share acquisition date. The by a committee shall be of the board of the issuing public corporation formed in accordance with paragraph (d).

(b) If a good faith definitive proposal regarding a business combination is made in writing to the board of the issuing public corporation, a committee of the board formed in accordance with paragraph (d) shall consider and take action on the proposal and respond in writing within 30 days after receipt of the proposal by the issuing public corporation, setting forth its decision regarding the proposal.

(c) If a good faith definitive proposal to acquire shares is made in writing to the board of the issuing public corporation, a committee of the board formed in accordance with paragraph (d), shall consider and take action on the proposal and respond in writing within 30 days after receipt of the proposal by the issuing public corporation, setting forth its decision regarding the proposal.

(d)(1) When a business combination or acquisition of shares is proposed pursuant to this subdivision, the board shall promptly form a committee composed of all of the board's disinterested directors. The committee shall take action on the proposal by the affirmative vote of a majority of committee members. No larger proportion or number of votes shall be required. Notwithstanding the provisions of section 302A.241, subdivision 1, the committee shall not be subject to any direction or control by the board with respect to the committee's consideration of, or any action concerning, a business combination or acquisition of shares pursuant to this section.

(2) A committee formed pursuant to this subdivision shall be composed of one or more members. Only disinterested directors may be members of a committee formed pursuant to this subdivision. However, if the board has no disinterested directors, the board shall select three or more disinterested persons to be committee members. Committee members are deemed to be directors for purposes of sections 302A.251, 302A.255, and 302A.521.

(3) For purposes of this subdivision, a director or person is "disinterested" if the director or person is neither an officer nor an employee, nor has been an officer or employee within five years preceding the formation of the committee pursuant to this section, of the issuing public corporation, or of a related corporation.

Sec. 10. Minnesota Statutes 1988, section 302A.673, subdivision 3, is amended to read:

Subd. 3. [APPLICATION.] (a) Unless by express provision electing to be subject to this section contained in the articles or in bylaws approved by the shareholders of an issuing public corporation, this section does not apply to any business combination of an issuing public corporation, that is not, at any time during the period from June 1, 1987, until adoption of the article or bylaw provision, a publicly held corporation. If the article or bylaw provision electing to be subject to this section expressly so provides, this section shall not apply to any business combination with an interested shareholder whose share acquisition date is before the effective date of the article or bylaw provision.

(b) Except as provided in paragraph (c), this section does not apply to any business combination of an issuing public corporation:

(1) if, prior to the time the issuing public corporation becomes a publicly held corporation or becomes subject to this section by virtue of an election under paragraph (a), including any time prior to the time that the corporation becomes an issuing public corporation, articles or bylaws of the corporation contain a provision expressly electing not to be subject to this section;

(2) if the board of the issuing public corporation adopts, prior to September 1, 1987, an amendment to the issuing public corporation's bylaws expressly electing not to be subject to this section;

(3) if an amendment to the articles or bylaws of the issuing public corporation is approved by the shareholders, other than interested shareholders and their affiliates and associates, holding a majority of the outstanding voting power of all shares entitled to vote, excluding the shares of interested shareholders and their affiliates and associates, expressly electing not to be subject to this section and the amendment provides that it is not to be effective until 18 months after the vote of shareholders, ~~or August 1, 1990, whichever date is earlier~~, and provides that, except as provided in paragraph (c), it does not apply to any business combination of the issuing public corporation with an interested shareholder whose share acquisition date is on or before the effective date of the amendment; or

(4) if the business combination was consummated before, or if a binding agreement for the business combination was entered into before, the day following June 1, 1987.

(c) This section does not apply to any business combination of an issuing public corporation with respect to, proposed by or on behalf of, or pursuant to any written or oral agreement, arrangement, relationship, understanding, or otherwise with any person that would have been an interested shareholder on June 1, 1987, had this section been in effect on this date and had the issuing public corporation been an issuing public corporation on this date.

This section applies to any business combination of an issuing public corporation to which it previously did not apply because of provisions in articles or bylaws adopted or approved under paragraph (b), clause (1), (2), or (3), upon an amendment to the articles or bylaws approved by shareholders holding a majority of the outstanding voting power of all shares entitled to vote expressly electing to be subject to this section becoming effective. This section does not apply to any business combination of the corporation with, with respect to, proposed by or on behalf of, or pursuant to any written or oral agreement, arrangement, relationship, understanding, or otherwise with any person that would have been an interested shareholder on the effective date of the amendment if this section had been applicable.

(d) Unless the articles or bylaws approved by the shareholders of the issuing public corporation otherwise provide, this section does not apply to any business combination of an issuing public corporation with, with respect to, proposed by or on behalf of, or pursuant to any agreement, arrangement, or understanding (whether or not in writing) with, any interested shareholder if the interested shareholder's share acquisition date is on or after August 1, 1990, or an affiliate or associate of that interested shareholder.

Sec. 11. [REPEALER.]

Minnesota Statutes 1988, section 302A.243, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Section 11 is effective the day following final enactment and applies to proceedings pending under Minnesota Statutes, section 302A.243, or proceedings commenced on or after that date. Notwithstanding any contrary provision of chapter 645, the repeal of Minnesota Statutes, section 302A.243 does not imply that the legislature has accepted or rejected the substance of the repealed section but must be interpreted in the same manner as if section 302A.243 had not been enacted."

Delete the title and insert:

"A bill for an act relating to corporations; providing that the control share acquisition and business combination statutes apply to certain corporations unless they elect not to be covered; clarifying application of the statutes; reducing the period of time that business combinations may be regulated from five years to four years; eliminating procedures for the use of committees to determine whether a corporation should pursue certain legal remedies; providing that meeting notices do not have to be sent to shareholders when mail has been returned undeliverable; amending Minnesota Statutes 1988, sections 302A.011, subdivisions 41 and 49; 302A.111, subdivision 3; 302A.161, subdivision 17; 302A.241, subdivision 1; 302A.251, subdivision 2; 302A.435, subdivision 1; 302A.671, subdivision 1; and 302A.673, subdivisions 1 and 3; repealing Minnesota Statutes 1988, section 302A.243."

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1580, A bill for an act relating to the town of Otsego;

authorizing the town to establish an economic development authority and to exercise tax increment financing powers; granting the town the power of a city with respect to the authority.

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 1581, A bill for an act relating to commerce; securities regulation; exempting certain over-the-counter securities from registration requirements; amending Minnesota Statutes 1988, section 80A.15, subdivision 1.

Reported the same back with the following amendments:

Page 5, line 7, after "paragraph" insert "; provided that the system shall provide the commissioner with notice of any material change in the system's designation requirements, and provided further that the commissioner may by order revoke this exemption if the commissioner determines that the designation requirements are not enforced or are amended in a manner that lessens protection to investors"

With the recommendation that when so amended the bill pass.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1583, A bill for an act relating to rural development; providing for a rural community needs assessment model; appropriating money.

Reported the same back with the following amendments:

Page 1, line 6, before "The rural" insert "The commissioner of administration shall award a grant to an organization to develop, test, and implement a rural community needs assessment model after consulting"

Page 1, line 9, delete everything after "committee"

Page 1, delete lines 10 to 12

Page 1, line 13, delete everything before the period

Page 2, line 5, after "care," insert "crime and drug abuse prevention."

Page 2, line 29, delete "legislative coordinating commission" and insert "commissioner of administration for the biennium ending June 30, 1991."

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

The report was adopted.

Begich from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1591, A resolution memorializing the Congress of the United States to continue to limit the scope of commercial aircraft maintenance performed outside the United States.

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

The report was adopted.

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

H. F. No. 1601, A bill for an act relating to state government; adding members to the council on Asian-Pacific Minnesotans; amending Minnesota Statutes 1988, section 3.9226, subdivision 1.

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

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1612, A bill for an act relating to economic development; regulating the job skills partnership program; amending Minnesota Statutes 1988, sections 116L.02; and 116L.04, subdivision 1; repealing Laws 1983, chapter 334, section 7, as amended.

Reported the same back with the following amendments:

Page 2, after line 14, insert:

"Sec. 3. [COMPREHENSIVE CAREER DEVELOPMENT SYSTEM.]

The state director of vocational technical education, with the cooperation of other public post-secondary education systems and state agencies, shall develop a model system which provides assistance to students in career choices including career information, individual assessment information, and counseling assistance.

The director shall submit a report by February 1, 1990, to the governor, the chairs of the senate education and economic development and housing committees, and the chairs of the house education and economic development committees.

Sec. 4. [APPROPRIATION; COMPREHENSIVE CAREER DEVELOPMENT SYSTEM.]

\$80,000 is appropriated from the general fund for the fiscal year ending June 30, 1990, to the state board of vocational technical education for developing a comprehensive career development system under section 3."

Number the sections in order

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for a comprehensive career development system; appropriating money;"

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

The report was adopted.

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

H. F. No. 1615, A bill for an act relating to appropriations; appropriating funds for programs to identify, protect and manage endangered natural resources, and the county biological survey.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1616, A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1988, section 124.43, subdivision 1, as amended.

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

The report was adopted.

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

H. F. No. 1626, A bill for an act relating to state lands; conveying easement for sanitary sewer to city of Cambridge.

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

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1630, A bill for an act relating to the city of Austin; providing for the service of the police and fire chiefs.

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:

H. F. No. 1665, A bill for an act relating to commerce; creating a lien for public improvements and expenditures made for the benefit of certain corporations; proposing coding for new law in Minnesota Statutes, chapter 514.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 33, 41, 153, 314, 333, 367, 374, 399, 472, 513, 701, 811, 815, 826, 831, 852, 909, 950, 1004, 1027, 1107, 1131, 1139, 1147, 1150, 1207, 1314, 1320, 1323, 1338, 1354, 1355, 1365, 1378, 1395, 1408, 1432, 1440, 1449, 1464, 1482, 1492, 1498, 1502, 1530, 1574, 1580, 1581, 1626, 1630 and 1665 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 115 was read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Dempsey, Haukoos, Bertram and Jennings introduced:

H. F. No. 1686, A bill for an act relating to taxation; motor vehicle excise; exempting vehicles used by police departments or sheriffs for law enforcement; amending Minnesota Statutes 1988, section 297B.03.

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

Runbeck, McEachern, Bauerly, Weaver and Vanasek introduced:

H. F. No. 1687, A bill for an act relating to education; proposing a commission on school funding alternatives; appropriating money.

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

Girard introduced:

H. F. No. 1688, A bill for an act relating to taxation; income; providing a credit for taxes paid to the Commonwealth of Puerto Rico; amending Minnesota Statutes 1988, section 290.06, subdivision 22.

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

Simoneau, Vanasek, Schreiber, Wynia and Heap introduced:

H. F. No. 1689, A resolution memorializing the President and Congress of the United States to take action to review and revise the statutory framework of the laws of the United States with respect to hostile takovers and stock accumulations having certain adverse effects and to permit certain state regulation.

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

Pappas and Long introduced:

H. F. No. 1690, A bill for an act relating to human rights; making harassment in certain cases an unfair discriminatory practice; amending Minnesota Statutes 1988, section 363.03, by adding a subdivision.

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

Orenstein introduced:

H. F. No. 1691, A bill for an act relating to insurance; regulating surplus lines insurance; amending Minnesota Statutes 1988, sections 60A.17, subdivision 12; 60A.198, subdivision 1; and 60A.205, by adding a subdivision.

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

Olson, K.; Steensma; Cooper; Winter and Kalis introduced:

H. F. No. 1692, A bill for an act relating to education; clarifying and adding to the authority of ECSUs; amending Minnesota Statutes 1988, section 123.58, subdivisions 6 and 9, and by adding a subdivision.

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

Welle and Schreiber introduced:

H. F. No. 1693, A bill for an act relating to taxation; income; providing an exception to partnership withholding provisions; amending Minnesota Statutes 1988, section 290.92, subdivision 4b, as added.

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

Heap, Macklin and Lynch introduced:

H. F. No. 1694, A bill for an act relating to education; permitting teachers to remove pupils whose conduct would tend to impair the discipline of the classroom or harm other pupils; proposing coding for new law in Minnesota Statutes, chapter 125.

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

Lynch introduced:

H. F. No. 1695, A bill for an act relating to natural resources; establishing a task force to study and report on metropolitan water management issues; appropriating money.

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

Runbeck introduced:

H. F. No. 1696, A bill for an act relating to retirement; Minnesota state retirement system correctional employees retirement plan; providing retroactive plan coverage for certain correctional service personnel at the Minnesota correctional facility-Lino Lakes; requiring additional member and employer contributions; amending Minnesota Statutes 1988, section 352.91, subdivision 2.

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

Carruthers, Blatz and Pugh introduced:

H. F. No. 1697, A bill for an act relating to traffic regulations; prohibiting the towing of motor vehicles for traffic violations for a period of 12 hours unless moving the vehicle is necessary to relieve a safety problem; amending Minnesota Statutes 1988, section 169.04.

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

Begich; Johnson, V.; Neuenschwander; Limmer and Marsh introduced:

H. F. No. 1698, A bill for an act relating to public safety; regulating firearms; defining terms; regulating possession of firearms; specifying property rights of certain persons in firearms; prohibiting certain transfers of firearms; prescribing penalties; amending Minnesota Statutes 1988, sections 624.712; 624.713; and 624.7132, subdivisions 1, 2, 9, 11, 12, 15, and 16; repealing Minnesota Statutes 1988, section 624.7131; and 624.7132, subdivisions 3, 4, 5, 6, 7, 8, 10, 13, and 14.

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

Segal, Rukavina and Carlson, L., introduced:

H. F. No. 1699, A bill for an act relating to education; establishing a program of loans for graduate students in mental health; providing for loan forgiveness; endowing a University chair; requesting the board of regents to begin a medical residency program; appropriating money; proposing coding for new law in chapter 136A.

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

Carlson, L.; Orenstein; Price; Jaros and Heap introduced:

H. F. No. 1700, A bill for an act relating to education; appropriating money for a study of educational facilities.

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

Nelson, K.; Dawkins; Vellenga; Haukoos and Pappas introduced:

H. F. No. 1701, A bill for an act relating to education; appropriating money for grants to the Minnesota Hispanic Education Program, Inc.

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

Cooper, Dille and Schafer introduced:

H. F. No. 1702, A bill for an act relating to human services; providing for the allocation of central, affiliated, or corporate office

costs of long-term care facilities participating in the medical assistance program; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Johnson, V., and Sarna introduced:

H. F. No. 1703, A bill for an act relating to consumer protection; requiring storm window dealers to obtain a bond or alternative security as a condition of doing business in the state; providing remedies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Jacobs, Quinn and Bennett introduced:

H. F. No. 1704, A bill for an act relating to utilities; providing for extended area telephone service in the metropolitan area.

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

Schafer introduced:

H. F. No. 1705, A bill for an act relating to education; providing a model curriculum for schools; proposing coding for new law in Minnesota Statutes, chapter 126.

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

Ogren, Munger, Welle, Jaros and Dempsey introduced:

H. F. No. 1706, A bill for an act relating to taxation; sales and use; providing an exemption for capital equipment and construction materials for major manufacturing projects in distressed counties; amending Minnesota Statutes 1988, section 297A.257, by adding a subdivision.

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

Long introduced:

H. F. No. 1707, A bill for an act relating to taxation; providing for submission of tax expenditure budget every four years; repealing the Minnesota unfair cigarette sales act; removing requirement that owners file copies of certificate of rent paid with commissioner; changing cigarette distribution subjobber licensing fees and other requirements; eliminating certain surety bonds; appropriating money; amending Minnesota Statutes 1988, sections 270.06; 270.067, subdivisions 1 and 2; 290A.19; 297.01, subdivision 13, and by adding a subdivision; 297.03, subdivision 6; 297.04, subdivisions 4, 5, 6, and 9; 297.041, subdivision 1; 297.06, subdivision 3; 297.08, subdivision 1; 297.31, by adding a subdivision; 297.33, subdivisions 4, 5, 6, 7, and 8; 297C.03, subdivision 1; and 298.28, by adding a subdivision; repealing Minnesota Statutes 1988, sections 297.01, subdivision 15; 297.03, subdivision 12; 297.04, subdivision 10; 297.33, subdivision 13; 297C.03, subdivisions 4 and 4a; and 325D.30 to 325D.42.

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

Sparby introduced:

H. F. No. 1708, A bill for an act relating to agriculture; appropriating money for agriculture information centers.

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

Simoneau, Vanasek, Wynia and Morrison introduced:

H. F. No. 1709, A bill for an act relating to commerce; regulating divesting transactions involving a principal domestic subsidiary; authorizing the metropolitan airports commission to approve a change in control of a major tenant at the Minneapolis-St. Paul International Airport; modifying standards that may be considered by certain investment fiduciaries; providing for worker and consumer protections after a leveraged buyout; imposing a tax on golden parachute compensation agreements; amending Minnesota Statutes 1988, sections 80B.01, subdivisions 1, 10, and by adding subdivisions; 268.07, subdivision 2; and 302A.011, subdivision 41, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 80B; 290; 300; 302A; and 325E; proposing coding for new law as Minnesota Statutes, chapters 268A; and 360A.

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

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. 1586, A bill for an act relating to appropriations; providing emergency relief for Red River Valley area flooding; providing for an arbitration award.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 297, 361, 299 and 1051.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 297, A bill for an act relating to game and fish; authorizing party hunting for small game; authorizing party fishing by angling; proposing coding for new law in Minnesota Statutes, chapters 97B and 97C.

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

S. F. No. 361, A bill for an act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, sections 65B.51, subdivision 2; and 65B.64, subdivisions 2 and 3.

The bill was read for the first time.

Carruthers moved that S. F. No. 361 and H. F. No. 269, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 299, A bill for an act relating to game and fish; providing for restitution for wild animals that are illegally killed or injured; providing for civil penalties for wild animals killed or injured; restricting expenditures from restitution to replacement and propagation of wild animals illegally killed or injured; amending Minnesota Statutes 1988, section 97A.065, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

S. F. No. 1051, A resolution memorializing the Congress of the United States to reject pending legislation that would authorize the use of Minnesota waters for the transportation of coal and would grant the right of eminent domain of coal slurry pipelines.

The bill was read for the first time.

Welle moved that S. F. No. 1051 and H. F. No. 1464, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Wynia, 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 Monday, April 17, 1989:

H. F. No. 65; S. F. No. 294; H. F. Nos. 193, 412, 456, 564, 595, 635, 693, 731, 761, 837, 916, 1069, 1151, 1197, 1357, 1405, 1429 and 1503; S. F. No. 560; and H. F. Nos. 355, 762, 1108, 1113, 1285, 1339, 1353, 1491, 1604 and 996.

CONSENT CALENDAR

S. F. No. 1080, A bill for an act relating to state lands; conveying title to state land in St. Cloud.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Lieder	Osthoff	Simoneau
Anderson, G.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	
Girard	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 110, A bill for an act relating to metropolitan government; prescribing the term of the chair of the metropolitan council; amending Minnesota Statutes 1988, section 473.123, subdivisions 2a and 4.

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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Cooper	Hugoson	Long	Ogren
Anderson, G.	Dauner	Jacobs	Lynch	Olsen, S.
Anderson, R.	Dawkins	Jaros	Macklin	Olson, E.
Battaglia	Dempsey	Jefferson	Marsh	Olson, K.
Bauerly	Dille	Jennings	McDonald	Omann
Beard	Dorn	Johnson, A.	McEachern	Onnen
Begich	Forsythe	Johnson, R.	McGuire	Orenstein
Bennett	Frederick	Johnson, V.	McLaughlin	Ostrom
Bishop	Frerichs	Kahn	McPherson	Otis
Blatz	Girard	Kalis	Milbert	Ozment
Boo	Greenfield	Kelly	Miller	Pauly
Brown	Gruenes	Kelso	Morrison	Pellow
Burger	Gutknecht	Knickerbocker	Munger	Pelowski
Carlson, D.	Hartle	Kostohryz	Murphy	Peterson
Carlson, L.	Hasskamp	Krueger	Nelson, C.	Poppenhagen
Carruthers	Heap	Lasley	Nelson, K.	Price
Clark	Henry	Lieder	Neuenschwander	Pugh
Conway	Himle	Limmer	O'Connor	Quinn

Redalen	Sarna	Solberg	Tunheim	Wenzel
Reding	Schafer	Sparby	Uphus	Williams
Rest	Scheid	Stanisus	Valento	Winter
Rice	Schreiber	Steensma	Vellenga	Wynia
Richter	Seaberg	Sviggum	Wagenius	Spk. Vanasek
Rodosovich	Segal	Swenson	Waltman	
Rukavina	Simoneau	Tjornhom	Weaver	
Runbeck	Skoglund	Tompkins	Welle	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 483, A bill for an act relating to crime; including controlled substance offenses in the evidentiary provision of the disorderly house crime; amending Minnesota Statutes 1988, section 609.33, subdivision 4.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Omann	Scheid
Anderson, G.	Girard	Lasley	Onnen	Schreiber
Anderson, R.	Greenfield	Lieder	Orenstein	Seaberg
Battaglia	Gruenes	Limmer	Osthoff	Segal
Bauerly	Gutknecht	Long	Ostrom	Simoneau
Beard	Hartle	Lynch	Otis	Skoglund
Begich	Hasskamp	Macklin	Ozment	Solberg
Bennett	Haukoos	Marsh	Pappas	Sparby
Bishop	Heap	McDonald	Pauly	Stanisus
Blatz	Henry	McEachern	Pellow	Steensma
Boo	Himle	McGuire	Pelowski	Sviggum
Brown	Hugoson	McLaughlin	Peterson	Swenson
Burger	Jacobs	McPherson	Poppenhagen	Tjornhom
Carlson, D.	Janezich	Milbert	Price	Tompkins
Carlson, L.	Jaros	Miller	Pugh	Trimble
Carruthers	Jefferson	Morrison	Quinn	Tunheim
Clark	Jennings	Munger	Redalen	Uphus
Conway	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dempsey	Kalis	O'Connor	Rodosovich	Weaver
Dille	Kelso	Ogren	Rukavina	Welle
Dorn	Kinkel	Olsen, S.	Runbeck	Wenzel
Forsythe	Knickerbocker	Olson, E.	Sarna	Williams
Frederick	Kostohryz	Olson, K.	Schafer	Winter
				Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 678, A bill for an act relating to data privacy; classifying financial information submitted by applicants for liquor licenses to political subdivisions as private; amending Minnesota Statutes 1988, section 13.41, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Uphus
Carlson, D.	Jaros	Miller	Quinn	Valento
Carlson, L.	Jefferson	Morrison	Redalen	Vellenga
Carruthers	Jennings	Munger	Reding	Wagenius
Clark	Johnson, A.	Murphy	Rest	Waltman
Conway	Johnson, R.	Nelson, C.	Rice	Weaver
Cooper	Johnson, V.	Nelson, K.	Richter	Welle
Dauner	Kahn	Neuenschwander	Rodosovich	Wenzel
Dawkins	Kalis	O'Connor	Rukavina	Williams
Dempsey	Kelly	Ogren	Runbeck	Winter
Dille	Kelso	Olsen, S.	Sarna	Wynia
Dorn	Kinkel	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Knickerbocker	Olson, K.	Scheid	
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1048, A bill for an act relating to vocational rehabilitation; requiring that 51 percent of the members of the board of directors of centers for independent living are persons with disabilities; changing the membership of the Minnesota council for the blind; amending Minnesota Statutes 1988, sections 129A.01, subdivision 9; and 248.10, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Lieder	Osthoff	Simoneau
Anderson, G.	Gruenes	Limmer	Ostrom	Skoglund
Anderson, R.	Gutknecht	Long	Otis	Solberg
Battaglia	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanis
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	
Girard	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1416, A bill for an act relating to state lands; authorizing private conveyance of certain tax-forfeited land in Benton county.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Jefferson	McDonald	Orenstein
Anderson, G.	Dempsey	Jennings	McEachern	Osthoff
Anderson, R.	Dille	Johnson, A.	McGuire	Ostrom
Battaglia	Dorn	Johnson, R.	McLaughlin	Otis
Bauerly	Forsythe	Johnson, V.	McPherson	Ozment
Beard	Frederick	Kahn	Milbert	Pappas
Begich	Frerichs	Kalis	Miller	Pauly
Bennett	Girard	Kelly	Morrison	Pellow
Bishop	Greenfield	Kelso	Munger	Pelowski
Blatz	Gruenes	Kinkel	Murphy	Peterson
Boo	Gutknecht	Knickerbocker	Nelson, C.	Poppenhagen
Brown	Hartle	Kostohryz	Nelson, K.	Price
Burger	Hasskamp	Krueger	Neuenschwander	Pugh
Carlson, D.	Haukoos	Lasley	O'Connor	Quinn
Carlson, L.	Heap	Lieder	Ogren	Redalen
Carruthers	Henry	Limmer	Olsen, S.	Reding
Clark	Himle	Long	Olson, E.	Rest
Conway	Hugoson	Lynch	Olson, K.	Rice
Cooper	Jacobs	Macklin	Omann	Richter
Dauner	Jaros	Marsh	Onnen	Rodosovich

Rukavina	Segal	Sviggum	Valento	Williams
Runbeck	Simoneau	Swenson	Vellenga	Winter
Sarna	Skoglund	Tjornhom	Wagenius	Wynia
Schafer	Solberg	Tompkins	Waltman	Spk. Vanasek
Scheid	Sparby	Trimble	Weaver	
Schreiber	Stanius	Tunheim	Welle	
Seaberg	Steensma	Uphus	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 1438, A resolution memorializing the Board of Governors of the Federal Reserve Board to reject amendments to its rules that would govern permissible activities of state-chartered banks.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olsen, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olsen, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1172, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Carlton county.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1459, A bill for an act relating to handicapped persons; permitting training of guide dogs in public accommodations; amending Minnesota Statutes 1988, section 256C.02.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Burger	Forsythe	Himle	Kelly
Anderson, G.	Carlson, D.	Frederick	Hugoson	Kelso
Anderson, R.	Carlson, L.	Frerichs	Jacobs	Kinkel
Battaglia	Carruthers	Girard	Janezich	Knickerbocker
Bauerly	Clark	Greenfield	Jaros	Kostohryz
Beard	Conway	Gruenes	Jefferson	Krueger
Begich	Cooper	Gutknecht	Jennings	Lasley
Bennett	Dauner	Hartle	Johnson, A.	Lieder
Bishop	Dawkins	Hasskamp	Johnson, R.	Limmer
Blatz	Dempsey	Haukoos	Johnson, V.	Long
Boo	Dille	Heap	Kahn	Lynch
Brown	Dorn	Henry	Kalis	Macklin

Marsh	Ogren	Peterson	Scheid	Tunheim
McDonald	Olsen, S.	Poppenhagen	Schreiber	Uphus
McEachern	Olson, E.	Price	Seaberg	Valento
McGuire	Olson, K.	Pugh	Segal	Vellenga
McLaughlin	Omann	Quinn	Simoneau	Wagenius
McPherson	Onnen	Redalen	Skoglund	Waltman
Milbert	Orenstein	Reding	Solberg	Weaver
Miller	Osthoﬀ	Rest	Sparby	Welle
Morrison	Ostrom	Rice	Stanius	Wenzel
Munger	Otis	Richter	Steensma	Williams
Murphy	Ozment	Rodosovich	Sviggun	Winter
Nelson, C.	Pappas	Rukavina	Swenson	Wynia
Nelson, K.	Pauly	Runbeck	Tjornhom	Spk. Vanasek
Neuenschwander	Pellow	Sarna	Tompkins	
O'Connor	Pelowski	Schafer	Trimble	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 736, A bill for an act relating to elections; altering a penalty for issuing certain election certificates; requiring certifications by certain committees; amending Minnesota Statutes 1988, section 211A.05, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kostohryz	Olson, K.	Schafer
Anderson, G.	Girard	Krueger	Omann	Scheid
Anderson, R.	Greenfield	Lasley	Onnen	Schreiber
Battaglia	Gruenes	Lieder	Orenstein	Seaberg
Bauerly	Gutknecht	Limmer	Osthoﬀ	Simoneau
Beard	Hartle	Long	Ostrom	Skoglund
Begich	Hasskamp	Lynch	Otis	Solberg
Bennett	Haukoos	Macklin	Ozment	Sparby
Bishop	Heap	Marsh	Pappas	Stanius
Blatz	Henry	McDonald	Pauly	Steensma
Boo	Himle	McEachern	Pellow	Sviggun
Brown	Hugoson	McGuire	Pelowski	Swenson
Burger	Jacobs	McLaughlin	Peterson	Tjornhom
Carlson, D.	Janezich	McPherson	Poppenhagen	Tompkins
Carlson, L.	Jaros	Milbert	Price	Trimble
Carruthers	Jefferson	Miller	Pugh	Tunheim
Clark	Jennings	Morrison	Quinn	Uphus
Conway	Johnson, A.	Munger	Redalen	Valento
Cooper	Johnson, R.	Murphy	Reding	Vellenga
Dauner	Johnson, V.	Nelson, C.	Rest	Wagenius
Dawkins	Kahn	Nelson, K.	Rice	Waltman
Dempsey	Kalis	Neuenschwander	Richter	Weaver
Dille	Kelly	O'Connor	Rodosovich	Welle
Dorn	Kelso	Ogren	Rukavina	Wenzel
Forsythe	Kinkel	Olsen, S.	Runbeck	Williams
Frederick	Knickerbocker	Olson, E.	Sarna	Winter
				Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 955, A bill for an act relating to financial institutions; providing standards for determining transaction account service charges; permitting state banks to establish subsidiaries under certain circumstances; authorizing the commissioner to adopt rules regarding activities of banks and bank subsidiaries; amending Minnesota Statutes 1988, sections 48.512, by adding a subdivision; and 48.61, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Krueger	Onnen	Schreiber
Anderson, G.	Greenfield	Lasley	Orenstein	Seaberg
Anderson, R.	Gruenes	Lieder	Osthoff	Segal
Battaglia	Gutknecht	Limmer	Ostrom	Simoneau
Bauerly	Hartle	Long	Otis	Skoglund
Beard	Hasskamp	Lynch	Ozment	Solberg
Begich	Haukoos	Macklin	Pappas	Sparby
Bennett	Heap	Marsh	Pauly	Stanisus
Bishop	Henry	McDonald	Pellow	Steensma
Blatz	Himle	McEachern	Pelowski	Sviggum
Boo	Hugoson	McGuire	Peterson	Swenson
Brown	Jacobs	McLaughlin	Poppenhagen	Tjornhom
Carlson, D.	Janezich	McPherson	Price	Tompkins
Carlson, L.	Jaros	Milbert	Pugh	Trimble
Carruthers	Jefferson	Miller	Quinn	Tunheim
Clark	Jennings	Munger	Redalen	Uphus
Conway	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dempsey	Kalis	O'Connor	Rodosovich	Weaver
Dille	Kelly	Ogren	Rukavina	Welle
Dorn	Kelso	Olsen, S.	Runbeck	Wenzel
Forsythe	Kinkel	Olson, E.	Sarna	Williams
Frederick	Knickerbocker	Olson, K.	Schafer	Winter
Frerichs	Kostohryz	Omann	Scheid	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1029, A bill for an act relating to Blue Earth county; authorizing the county to transfer certain duties.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanisus
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Rumbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	
Frederick	Kostohryz	Omman	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1077, A bill for an act relating to state lands; authorizing conveyance of state land to the city of St. Peter.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Carlson, D.	Frerichs	Janezich	Kostohryz
Anderson, G.	Carlson, L.	Girard	Jaros	Krueger
Anderson, R.	Carruthers	Greenfield	Jefferson	Lasley
Battaglia	Clark	Gruenes	Jennings	Lieder
Bauerly	Conway	Gutknecht	Johnson, A.	Limmer
Beard	Cooper	Hartle	Johnson, R.	Long
Begich	Dauner	Hasskamp	Johnson, V.	Lynch
Bennett	Dawkins	Haukoos	Kahn	Macklin
Bishop	Dempsey	Heap	Kalis	Marsh
Blatz	Dille	Henry	Kelly	McDonald
Boo	Dorn	Himle	Kelso	McEachern
Brown	Forsythe	Hugoson	Kinkel	McGuire
Burger	Frederick	Jacobs	Knickerbocker	McLaughlin

McPherson	Onnen	Quinn	Segal	Valento
Milbert	Orenstein	Redalen	Simoneau	Vellenga
Miller	Osthoff	Reding	Skoglund	Wagenius
Morrison	Ostrom	Rest	Solberg	Waltman
Murphy	Otis	Rice	Sparby	Weaver
Nelson, C.	Ozment	Richter	Stanius	Welle
Nelson, K.	Pappas	Rodosovich	Steensma	Wenzel
Neuenschwander	Pauly	Rukavina	Sviggum	Williams
O'Connor	Pellow	Runbeck	Swenson	Winter
Ogren	Pelowski	Sarna	Tjornhom	Wynia
Olsen, S.	Peterson	Schafer	Tompkins	Spk. Vanasek
Olson, E.	Poppenhagen	Scheid	Trimble	
Olson, K.	Price	Schreiber	Tunheim	
Omann	Pugh	Seaberg	Uphus	

The bill was passed and its title agreed to.

H. F. No. 1104, A bill for an act relating to county personnel boards and other state and local government bodies; increasing the size of the Ramsey county personnel board; permitting the director to issue subpoenas; providing for court enforcement of state and local government entity subpoena powers; amending Minnesota Statutes 1988, sections 383A.287, subdivision 2; 383A.294, by adding a subdivision; 383B.36, subdivision 2; and 383C.048; proposing coding for new law as Minnesota Statutes, chapter 594.

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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Rukavina
Anderson, G.	Girard	Kostohryz	Olson, E.	Runbeck
Anderson, R.	Greenfield	Krueger	Olson, K.	Sarna
Battaglia	Gruenes	Lasley	Omann	Schafer
Bauerly	Gutknecht	Lieder	Onnen	Scheid
Beard	Hartle	Limmer	Orenstein	Schreiber
Begich	Hasskamp	Long	Osthoff	Seaberg
Bennett	Haukoos	Lynch	Ostrom	Segal
Bishop	Heap	Macklin	Otis	Simoneau
Blatz	Henry	Marsh	Ozment	Skoglund
Boo	Himle	McDonald	Pappas	Solberg
Brown	Hugoson	McEachern	Pauly	Sparby
Burger	Jacobs	McGuire	Pellow	Stanius
Carlson, D.	Janezich	McLaughlin	Pelowski	Steensma
Carlson, L.	Jaros	McPherson	Peterson	Sviggum
Carruthers	Jefferson	Milbert	Poppenhagen	Swenson
Clark	Jennings	Miller	Price	Tjornhom
Conway	Johnson, A.	Morrison	Pugh	Tompkins
Cooper	Johnson, R.	Munger	Quinn	Trimble
Dauner	Johnson, V.	Murphy	Redalen	Tunheim
Dawkins	Kahn	Nelson, C.	Reding	Uphus
Dille	Kalis	Nelson, K.	Rest	Valento
Dorn	Kelly	Neuenschwander	Rice	Vellenga
Forsythe	Kelso	O'Connor	Richter	Wagenius
Frederick	Kinkel	Ogren	Rodosovich	Waltman

Weaver
WelleWenzel
WilliamsWinter
Wynia

Spk. Vanasek

Those who voted in the negative were:

Dempsey.

The bill was passed and its title agreed to.

H. F. No. 1267, A bill for an act relating to Anoka county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Lieder	Osthoff	Simoneau
Anderson, G.	Gruenes	Limmer	Ostrom	Skoglund
Anderson, R.	Gutknecht	Long	Otis	Solberg
Battaglia	Hartle	Lynch	Ozment	Sparby
Bauerly	Hasskamp	Macklin	Pappas	Stanis
Beard	Haukoos	Marsh	Pauly	Steensma
Begich	Heap	McDonald	Pellow	Sviggun
Bennett	Henry	McEachern	Pelowski	Swenson
Bishop	Himle	McGuire	Peterson	Tjornhom
Blatz	Hugoson	McLaughlin	Poppenhagen	Tompkins
Boo	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	
Girard	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1283, A bill for an act relating to insurance; property and casualty; regulating policy provisions, forms, nonrenewals, coverages; regulating trade practices in these and other lines; regulating the Minnesota joint underwriting association; making certain technical changes; amending Minnesota Statutes 1988, sections 60A.02,

by adding a subdivision; 60A.08, by adding a subdivision; 60A.17, subdivision 6c; 60A.198, subdivision 3; 62I.02, subdivision 2; 62I.16, subdivision 3; 65A.29, subdivision 8, and by adding subdivisions; 65A.33, subdivision 3; 65B.15, subdivision 1; 65B.44, subdivision 3; 65B.525, subdivision 1; 72A.20, subdivision 17, and by adding subdivisions; 72A.201, subdivision 5, and by adding subdivisions; and 79.251, by adding a subdivision; repealing Minnesota Statutes 1988, section 62I.12; and Minnesota Rules, part 2780.2700.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Lasley	Onnen	Schreiber
Anderson, G.	Girard	Lieder	Orenstein	Seaberg
Anderson, R.	Greenfield	Limmer	Osthoff	Segal
Battaglia.	Gruenes	Long	Ostrom	Simoneau
Bauerly	Gutknecht	Lynch	Otis	Skoglund
Beard	Hartle	Macklin	Ozment	Solberg
Begich	Hasskamp	Marsh	Pappas	Sparby
Bennett	Haukoos	McDonald	Pauly	Stanisus
Bishop	Heap	McEachern	Pellow	Steensma
Blatz	Henry	McGuire	Pelowski	Sviggum
Boo	Hugoson	McLaughlin	Peterson	Swenson
Brown	Jacobs	McPherson	Poppenhagen	Tjornhom
Burger	Janezich	Milbert	Price	Tompkins
Carlson, D.	Jaros	Miller	Pugh	Trimble
Carlson, L.	Jefferson	Morrison	Quinn	Tunheim
Carruthers	Jennings	Munger	Redalen	Uphus
Clark	Johnson, R.	Murphy	Reding	Valento
Conway	Johnson, V.	Nelson, C.	Rest	Vellenga
Cooper	Kahn	Nelson, K.	Rice	Wagenius
Dauner	Kalis	Neuenschwander	Richter	Waltman
Dawkins	Kelly	O'Connor	Rodosovich	Welle
Dempsey	Kelso	Ogren	Rukavina	Wenzel
Dille	Kinkel	Olsen, S.	Runbeck	Williams
Dorn	Knickerbocker	Olson, E.	Sarna	Winter
Forsythe	Kostohryz	Olson, K.	Schafer	Wynia
Frederick	Krueger	Omann	Scheid	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1311, A bill for an act relating to public employees; providing a policy prohibiting harassment based on race or disability; requiring discipline for employees who engage in harassment; proposing coding for new law in Minnesota Statutes, chapter 15.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Omann	Scheid
Anderson, G.	Girard	Lasley	Onnen	Schreiber
Anderson, R.	Greenfield	Lieder	Orenstein	Seaberg
Battaglia	Gruenes	Limmer	Osthoff	Segal
Bauerly	Gutknecht	Long	Ostrom	Simoneau
Beard	Hartle	Lynch	Otis	Skoglund
Begich	Hasskamp	Macklin	Ozment	Solberg
Bennett	Haukoos	Marsh	Pappas	Sparby
Bishop	Heap	McDonald	Pauly	Stanius
Blatz	Henry	McEachern	Pellow	Steensma
Boo	Himle	McGuire	Pelowski	Sviggum
Brown	Hugoson	McLaughlin	Peterson	Swenson
Burger	Jacobs	McPherson	Poppenhagen	Tjornhom
Carlson, D.	Janezich	Milbert	Price	Tompkins
Carlson, L.	Jaros	Miller	Pugh	Trimble
Carruthers	Jefferson	Morrison	Quinn	Tunheim
Clark	Jennings	Munger	Redalen	Uphus
Conway	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, V.	Nelson, C.	Rest	Vellenga
Dauner	Kahn	Nelson, K.	Rice	Wagenius
Dawkins	Kalis	Neuenschwander	Richter	Waltman
Dempsey	Kelly	O'Connor	Rodosovich	Weaver
Dille	Kelso	Ogren	Rukavina	Welle
Dorn	Kinkel	Olsen, S.	Runbeck	Wenzel
Forsythe	Knickerbocker	Olson, E.	Sarna	Williams
Frederick	Kostohryz	Olson, K.	Schafer	Winter
				Wynia

The bill was passed and its title agreed to.

H. F. No. 1330, A bill for an act relating to agriculture; changing the dairy industry checkoff rate; amending Minnesota Statutes 1988, section 17.59, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Hasskamp	Kelly	McLaughlin
Anderson, G.	Conway	Haukoos	Kelso	McPherson
Anderson, R.	Cooper	Heap	Kinkel	Milbert
Battaglia	Dauner	Henry	Knickerbocker	Miller
Bauerly	Dawkins	Himle	Kostohryz	Morrison
Beard	Dempsey	Hugoson	Krueger	Munger
Begich	Dille	Jacobs	Lasley	Murphy
Bennett	Dorn	Janezich	Lieder	Nelson, C.
Bishop	Forsythe	Jaros	Limmer	Nelson, K.
Blatz	Frederick	Jefferson	Long	Neuenschwander
Boo	Frerichs	Jennings	Lynch	O'Connor
Brown	Girard	Johnson, A.	Macklin	Ogren
Burger	Greenfield	Johnson, R.	Marsh	Olsen, S.
Carlson, D.	Gruenes	Johnson, V.	McDonald	Olson, E.
Carlson, L.	Gutknecht	Kahn	McEachern	Olson, K.
Carruthers	Hartle	Kalis	McGuire	Omann

Onnen	Poppenhagen	Runbeck	Stanius	Wagenius
Orenstein	Price	Sarna	Steensma	Waltman
Osthoﬀ	Pugh	Schafer	Swiggum	Weaver
Ostrom	Quinn	Scheid	Swenson	Welle
Otis	Redalen	Schreiber	Tjornhom	Wenzel
Ozment	Reding	Seaberg	Tompkins	Williams
Pappas	Rest	Segal	Trimble	Winter
Pauly	Rice	Simoneau	Tunheim	Wynia
Pellow	Richter	Skoglund	Uphus	Spk. Vanasek
Pelowski	Rodosovich	Solberg	Valento	
Peterson	Rukavina	Sparby	Vellenga	

The bill was passed and its title agreed to.

S. F. No. 192, A bill for an act relating to natural resources; increasing certain limits on security in lieu of bond for forestry development projects; amending Minnesota Statutes 1988, section 574.264, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoﬀ	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanius
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Swiggum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kalis	O'Connor	Rukavina	Wenzel
Dawkins	Kelly	Ogren	Runbeck	Williams
Dempsey	Kelso	Olsen, S.	Sarna	Winter
Dille	Kinkel	Olson, E.	Schafer	Wynia
Dorn	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omman	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

S. F. No. 271, A bill for an act relating to game and fish; contents

of firearms safety course for young hunters; amending Minnesota Statutes 1988, section 97B.015, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanis
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

S. F. No. 332, A bill for an act relating to game and fish; open season for walleyed pike on the Rainy River; amending Minnesota Statutes 1988, section 97C.403, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bishop	Burger	Clark
Anderson, G.	Beard	Blatz	Carlson, D.	Conway
Anderson, R.	Begich	Boo	Carlson, L.	Cooper
Battaglia	Bennett	Brown	Carruthers	Dauner

Dawkins	Jennings	McLaughlin	Pellow	Skoglund
Dempsey	Johnson, A.	McPherson	Pelowski	Solberg
Dille	Johnson, R.	Milbert	Peterson	Stanius
Dorn	Johnson, V.	Miller	Poppenhagen	Steensma
Forsythe	Kahn	Morrison	Price	Sviggum
Frederick	Kalis	Murphy	Pugh	Swenson
Frerichs	Kelly	Nelson, C.	Quinn	Tjornhom
Girard	Kelso	Nelson, K.	Redalen	Tompkins
Greenfield	Kinkel	Neuenschwander	Reding	Trimble
Gruenes	Knickerbocker	O'Connor	Rest	Tunheim
Gutknecht	Kostohryz	Ogren	Rice	Uphus
Hartle	Krueger	Olsen, S.	Richter	Valento
Hasskamp	Lasley	Olson, E.	Rodosovich	Vellenga
Haukoos	Lieder	Olson, K.	Rukavina	Wagenius
Heap	Limmer	Omann	Runbeck	Waltman
Henry	Long	Onnen	Sarna	Weaver
Himle	Lynch	Orenstein	Schafer	Welle
Hugoson	Macklin	Ostrom	Scheid	Wenzel
Jacobs	Marsh	Otis	Schreiber	Williams
Janezich	McDonald	Ozment	Seaberg	Winter
Jaros	McEachern	Pappas	Segal	Wynia
Jefferson	McGuire	Pauly	Simoneau	Spk. Vanasek

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

S. F. No. 681, A bill for an act relating to housing; changing terminology in the temporary housing demonstration program; extending the authorized duration of transitional housing; providing for an annual report to the legislature; amending Minnesota Statutes 1988, section 268.38, subdivisions 1, 2, 4, 8, 11, and 12.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Hasskamp	Kelly	McLaughlin
Anderson, G.	Conway	Haukoos	Kelso	McPherson
Anderson, R.	Cooper	Heap	Kinkel	Milbert
Battaglia	Dauner	Henry	Knickerbocker	Miller
Bauerly	Dawkins	Himle	Kostohryz	Morrison
Beard	Dempsey	Hugoson	Krueger	Munger
Begich	Dille	Jacobs	Lasley	Murphy
Bennett	Dorn	Janezich	Lieder	Nelson, C.
Bishop	Forsythe	Jaros	Limmer	Nelson, K.
Blatz	Frederick	Jefferson	Long	Neuenschwander
Boo	Frerichs	Jennings	Lynch	O'Connor
Brown	Girard	Johnson, A.	Macklin	Ogren
Burger	Greenfield	Johnson, R.	Marsh	Olsen, S.
Carlson, D.	Gruenes	Johnson, V.	McDonald	Olson, E.
Carlson, L.	Gutknecht	Kahn	McEachern	Olson, K.
Carruthers	Hartle	Kalis	McGuire	Omann

Onnen	Poppenhagen	Sarna	Steensma	Waltman
Orenstein	Price	Schafer	Sviggun	Weaver
Osthoff	Quinn	Scheid	Swenson	Welle
Ostrom	Redalen	Schreiber	Tjornhom	Wenzel
Otis	Reding	Seaberg	Tompkins	Williams
Ozment	Rest	Segal	Trimble	Winter
Pappas	Rice	Simoneau	Tunheim	Wynia
Pauly	Richter	Skoglund	Uphus	Spk. Vanasek
Pellow	Rodosovich	Solberg	Valento	
Pelowski	Rukavina	Sparby	Vellenga	
Peterson	Runbeck	Stanius	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 386, A bill for an act relating to health; permitting various public hospitals to hold closed meetings on certain facility business; amending Minnesota Statutes 1988, section 144.581, 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 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Onnen	Seaberg
Anderson, G.	Girard	Lasley	Orenstein	Segal
Anderson, R.	Greenfield	Lieder	Ostrom	Simoneau
Battaglia	Gruenes	Limmer	Otis	Skoglund
Bauerly	Gutknecht	Long	Ozment	Solberg
Beard	Hartle	Lynch	Pappas	Sparby
Begich	Hasskamp	Macklin	Pauly	Stanius
Bennett	Haukoos	Marsh	Pellow	Steensma
Bishop	Heap	McDonald	Pelowski	Sviggun
Blatz	Henry	McEachern	Peterson	Swenson
Boo	Himle	McGuire	Poppenhagen	Tjornhom
Brown	Hugoson	McLaughlin	Price	Tompkins
Burger	Jacobs	McPherson	Pugh	Trimble
Carlson, D.	Janezich	Milbert	Quinn	Tunheim
Carlson, L.	Jaros	Miller	Redalen	Uphus
Carruthers	Jefferson	Morrison	Reding	Valento
Clark	Jennings	Munger	Rest	Vellenga
Conway	Johnson, A.	Murphy	Rice	Wagenius
Cooper	Johnson, R.	Nelson, C.	Richter	Waltman
Dauner	Johnson, V.	Nelson, K.	Rodosovich	Weaver
Dawkins	Kahn	Neuenschwander	Rukavina	Welle
Dempsey	Kalis	O'Connor	Runbeck	Wenzel
Dille	Kelly	Ogren	Sarna	Williams
Dorn	Kinkel	Olson, E.	Schafer	Winter
Forsythe	Knickerbocker	Olson, K.	Scheid	Wynia
Frederick	Kostohryz	Omann	Schreiber	Spk. Vanasek

Those who voted in the negative were:

Olsen, S. Osthoff

The bill was passed and its title agreed to.

H. F. No. 400, A bill for an act relating to natural resources; requiring written notice to the commissioner of natural resources of the vacation of roads, highways, streets, alleys, and similar public grounds that terminate at or abut upon any public water; amending Minnesota Statutes 1988, sections 161.16, subdivision 6; 163.11, by adding a subdivision; 164.07, subdivision 2; 412.851; 440.13; 440.135, subdivision 2; and 505.14.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanis
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Swiggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 655, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Anoka county.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Orenstein	Seaberg
Anderson, G.	Girard	Lasley	Osthoff	Segal
Anderson, R.	Greenfield	Lieder	Ostrom	Simoneau
Battaglia	Gruenes	Limmer	Otis	Skoglund
Bauerly	Gutknecht	Long	Ozment	Solberg
Beard	Hartle	Lynch	Pappas	Sparby
Begich	Hasskamp	Macklin	Pauly	Stanius
Bennett	Haukoos	Marsh	Pellow	Steensma
Bishop	Heap	McDonald	Pelowski	Swiggum
Blatz	Henry	McEachern	Peterson	Swenson
Boo	Himle	McGuire	Poppenhagen	Tjornhom
Brown	Hugoson	McLaughlin	Price	Tompkins
Burger	Jacobs	McPherson	Pugh	Trimble
Carlson, D.	Jaros	Milbert	Quinn	Tunheim
Carlson, L.	Jefferson	Miller	Redalen	Uphus
Carruthers	Jennings	Morrison	Reding	Valento
Clark	Johnson, A.	Murphy	Rest	Vellenga
Conway	Johnson, R.	Nelson, C.	Rice	Wagenius
Cooper	Johnson, V.	Nelson, K.	Richter	Waltman
Dauner	Kahn	Neuenschwander	Rodosovich	Weaver
Dawkins	Kalis	O'Connor	Rukavina	Welle
Dempsey	Kelly	Olsen, S.	Runbeck	Wenzel
Dille	Kelso	Olson, E.	Sarna	Williams
Dorn	Kinkel	Olson, K.	Schafer	Winter
Forsythe	Knickerbocker	Omann	Scheid	Spk. Vanasek
Frederick	Kostohryz	Onnen	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 796, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine and Fillmore counties.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jefferson	McDonald	Orenstein
Anderson, G.	Dille	Jennings	McEachern	Osthoff
Anderson, R.	Dorn	Johnson, A.	McGuire	Ostrom
Battaglia	Forsythe	Johnson, R.	McLaughlin	Ozment
Bauerly	Frederick	Johnson, V.	McPherson	Pappas
Beard	Frerichs	Kahn	Milbert	Pauly
Begich	Girard	Kalis	Miller	Pellow
Bennett	Greenfield	Kelly	Morrison	Pelowski
Bishop	Gruenes	Kelso	Munger	Peterson
Blatz	Gutknecht	Kinkel	Murphy	Poppenhagen
Boo	Hartle	Knickerbocker	Nelson, C.	Price
Brown	Hasskamp	Kostohryz	Nelson, K.	Quinn
Carlson, D.	Haukoos	Krueger	Neuenschwander	Redalen
Carlson, L.	Heap	Lasley	O'Connor	Reding
Carruthers	Henry	Lieder	Ogren	Rest
Clark	Himle	Limmer	Olsen, S.	Rice
Conway	Hugoson	Long	Olson, E.	Richter
Cooper	Jacobs	Lynch	Olson, K.	Rodosovich
Dauner	Janezich	Macklin	Omann	Rukavina
Dawkins	Jaros	Marsh	Onnen	Runbeck

Sarna	Simoneau	Sviggun	Uphus	Welle
Schafer	Skoglund	Swenson	Valento	Wenzel
Scheid	Solberg	Tjornhom	Vellenga	Williams
Schreiber	Sparby	Tompkins	Wagenius	Winter
Seaberg	Stanius	Trimble	Waltman	Wynia
Segal	Steensma	Tunheim	Weaver	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 812, A bill for an act relating to insurance; life; allowing insurance policies to contain a rider providing for early payment of benefits to recipients of long-term care; amending Minnesota Statutes 1988, sections 60A.06, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 61A.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggun
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1149, A bill for an act relating to state lands; providing for exceptions to usual conveyance procedures; amending Minnesota Statutes 1988, sections 94.10, by adding a subdivision; and 282.01,

by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 94.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frichs	Krueger	Omamn	Scheid
Anderson, G.	Girard	Lasley	Onnen	Schreiber
Anderson, R.	Greenfield	Lieder	Orenstein	Seaberg
Battaglia	Gruenes	Limmer	Osthoff	Segal
Bauerly	Gutknecht	Long	Ostrom	Simoneau
Beard	Hartle	Lynch	Otis	Skoglund
Begich	Hasskamp	Macklin	Ozment	Solberg
Bennett	Haukoos	Marsh	Pappas	Stanius
Bishop	Heap	McDonald	Pauly	Steensma
Blatz	Henry	McEachern	Pellow	Sviggum
Boo	Himle	McGuire	Pelowski	Swenson
Brown	Hugoson	McLaughlin	Peterson	Tjornhom
Burger	Jacobs	McPherson	Poppenhagen	Tompkins
Carlson, D.	Janezich	Milbert	Price	Trimble
Carlson, L.	Jaros	Miller	Pugh	Tunheim
Carruthers	Jefferson	Morrison	Quinn	Uphus
Clark	Jennings	Munger	Redalen	Valento
Conway	Johnson, A.	Murphy	Reding	Vellenga
Cooper	Johnson, R.	Nelson, C.	Rest	Wagenius
Dauner	Johnson, V.	Nelson, K.	Rice	Waltman
Dawkins	Kalis	Neuenschwander	Richter	Weaver
Dempsey	Kelly	O'Connor	Rodosovich	Welle
Dille	Kelso	Ogren	Rukavina	Wenzel
Dorn	Kinkel	Olsen, S.	Runbeck	Williams
Forsythe	Knickerbocker	Olson, E.	Sarna	Winter
Frederick	Kostohryz	Olson, K.	Schafer	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1160; A bill for an act relating to education; authorizing school district participation in certain energy efficiency projects; proposing coding for new law in Minnesota Statutes, chapter 124.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bishop	Burger	Clark
Anderson, G.	Beard	Blatz	Carlson, D.	Conway
Anderson, R.	Begich	Boo	Carlson, L.	Cooper
Battaglia	Bennett	Brown	Carruthers	Dauner

Dawkins	Johnson, A.	Milbert	Pelowski	Sparby
Dempsey	Johnson, R.	Miller	Peterson	Stanis
Dille	Johnson, V.	Morrison	Poppenhagen	Steensma
Dorn	Kahn	Munger	Price	Swiggum
Forsythe	Kalis	Murphy	Pugh	Swenson
Frederick	Kelly	Nelson, C.	Quinn	Tjornhom
Frerichs	Kelso	Nelson, K.	Redalen	Tompkins
Girard	Kinkel	Neuenschwander	Reding	Trimble
Greenfield	Knickerbocker	O'Connor	Rest	Tunheim
Gruenes	Kostohryz	Ogren	Rice	Uphus
Gutknecht	Krueger	Olsen, S.	Richter	Valento
Hartle	Lasley	Olson, E.	Rodosovich	Vellenga
Hasskamp	Lieder	Olson, K.	Rukavina	Waltman
Haukoos	Limmer	Omann	Runbeck	Weaver
Heap	Long	Onnen	Sarna	Welle
Henry	Lynch	Orenstein	Schafer	Wenzel
Himle	Macklin	Osthoff	Scheld	Williams
Hugoson	Marsh	Ostrom	Schreiber	Winter
Jacobs	McDonald	Otis	Seaberg	Wynia
Janezich	McEachern	Ozment	Segal	Spk. Vanasek
Jaros	McGuire	Pappas	Simoneau	
Jefferson	McLaughlin	Pauly	Skoglund	
Jennings	McPherson	Pellow	Solberg	

The bill was passed and its title agreed to.

H. F. No. 1351, A bill for an act relating to local government; permitting the Dakota and Washington county housing and redevelopment authorities to waive performance bonds for single family housing construction; amending Laws 1971, chapter 333; and Laws 1974, chapter 475.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Jaros	Marsh	Onnen
Anderson, G.	Dempsey	Jefferson	McDonald	Orenstein
Anderson, R.	Dille	Jennings	McEachern	Osthoff
Battaglia	Dorn	Johnson, A.	McGuire	Ostrom
Bauerly	Forsythe	Johnson, R.	McLaughlin	Otis
Beard	Frederick	Johnson, V.	McPherson	Ozment
Begich	Frerichs	Kahn	Milbert	Pappas
Bennett	Girard	Kalis	Miller	Pauly
Bishop	Greenfield	Kelly	Morrison	Pellow
Blatz	Gruenes	Kelso	Munger	Pelowski
Boo	Gutknecht	Kinkel	Murphy	Peterson
Brown	Hartle	Knickerbocker	Nelson, C.	Poppenhagen
Burger	Hasskamp	Kostohryz	Nelson, K.	Price
Carlson, D.	Haukoos	Krueger	Neuenschwander	Pugh
Carlson, L.	Heap	Lasley	O'Connor	Quinn
Carruthers	Henry	Lieder	Ogren	Redalen
Clark	Himle	Limmer	Olsen, S.	Reding
Conway	Hugoson	Long	Olson, E.	Rest
Cooper	Jacobs	Lynch	Olson, K.	Rice
Dauner	Janezich	Macklin	Omann	Richter

Rodosovich	Segal	Svigum	Valento	Williams
Rukavina	Simoneau	Swenson	Vellenga	Winter
Runbeck	Skoglund	Tjornhom	Wagenius	Wynia
Sarna	Solberg	Tompkins	Waltman	Spk. Vanasek
Schafer	Sparby	Trimble	Weaver	
Schreiber	Stanis	Tunheim	Welle	
Seaberg	Steensma	Uphus	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 1411, A bill for an act relating to cooperatives; recodifying and clarifying certain provisions on cooperative businesses; amending certain provisions of cooperative business law; requiring a registered officer or agent for cooperatives; authorizing cooperatives to provide greater approval proportions than provided in statute for certain cooperative actions; providing corporate existence of cooperative begins with filing of articles; authorizing loans to and fiduciary powers with members; specifying how vacancies in unexpired directors' terms may be filled; authorizing the board to rescind membership for member violations; eliminating certain filings with county recorders; eliminating attorney general approval of articles of merger or consolidation; prescribing a fee for filing articles of consolidation; prescribing a procedure for dissolution of cooperatives; deeming certain organized cooperatives to be organized under and subject to this act; amending Minnesota Statutes 1988, sections 47.20, subdivision 2; 117.232, subdivision 1; 216B.027, subdivision 5; 237.075, subdivision 9; 273.124, subdivisions 3 and 6; 273.132, subdivision 5; 363.01, subdivision 32; and 500.20, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 308A; repealing Minnesota Statutes 1988, sections 308.01 to 308.92.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Conway	Heap	Knickerbocker	Morrison
Anderson, G.	Cooper	Henry	Kostohryz	Munger
Anderson, R.	Dauner	Himle	Krueger	Murphy
Battaglia	Dawkins	Hugoson	Lasley	Nelson, C.
Bauerly	Dempsey	Jacobs	Lieder	Nelson, K.
Beard	Dille	Janezich	Limmer	Neuenschwander
Begich	Dorn	Jaros	Long	O'Connor
Bennett	Forsythe	Jefferson	Lynch	Ogren
Bishop	Frederick	Jennings	Macklin	Olsen, S.
Blatz	Frerichs	Johnson, A.	Marsh	Olson, E.
Boo	Girard	Johnson, R.	McDonald	Olson, K.
Brown	Greenfield	Johnson, V.	McEachern	Omann
Burger	Gruenes	Kahn	McGuire	Onnen
Carlson, D.	Gutknecht	Kalis	McLaughlin	Orenstein
Carlson, L.	Hartle	Kelly	McPherson	Osthoff
Carruthers	Hasskamp	Kelso	Milbert	Ostrom
Clark	Haukoos	Kinkel	Miller	Otis

Ozment	Redalen	Schreiber	Swenson	Weaver
Pappas	Reding	Seaberg	Tjornhom	Welle
Pauly	Rest	Segal	Tompkins	Wenzel
Pellow	Rice	Simoneau	Trimble	Williams
Pelowski	Richter	Skoglund	Tunheim	Winter
Peterson	Rodosovich	Solberg	Uphus	Wynia
Poppenhagen	Rukavina	Sparby	Valento	Spk. Vanasek
Price	Runbeck	Stanius	Vellenga	
Pugh	Sarna	Steensma	Wagenius	
Quinn	Schafer	Sviggun	Waltman	

The bill was passed and its title agreed to.

S. F. No. 478, A bill for an act relating to education; providing for donations to the permanent school fund; amending Minnesota Statutes 1988, sections 84.085 and 124.08.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Segal
Anderson, G.	Greenfield	Lieder	Osthoff	Simoneau
Anderson, R.	Gruenes	Limmer	Ostrom	Skoglund
Battaglia	Gutknecht	Long	Otis	Solberg
Bauerly	Hartle	Lynch	Ozment	Sparby
Beard	Hasskamp	Macklin	Pappas	Stanius
Begich	Haukoos	Marsh	Pauly	Steensma
Bennett	Heap	McDonald	Pellow	Sviggun
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	
Frerichs	Krueger	Onnen	Seaberg	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 65, A bill for an act relating to economic development;

authorizing local jurisdictions involved in economic development to participate in secondary markets; proposing coding for new law in Minnesota Statutes, chapter 465.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Onnen	Schreiber
Anderson, G.	Girard	Lasley	Orenstein	Seaberg
Anderson, R.	Greenfield	Lieder	Osthoff	Segal
Battaglia	Gruenes	Limmer	Ostrom	Simoneau
Bauerly	Gutknecht	Long	Otis	Skoglund
Beard	Hartle	Lynch	Ozment	Solberg
Begich	Hasskamp	Macklin	Pappas	Sparby
Bennett	Haukoos	Marsh	Pauly	Stanius
Bishop	Heap	McDonald	Pellow	Steensma
Blatz	Henry	McEachern	Pelowski	Sviggum
Boo	Himle	McLaughlin	Peterson	Swenson
Brown	Hugoson	McPherson	Poppenhagen	Tjornhom
Burger	Jacobs	Milbert	Price	Tompkins
Carlson, D.	Janezich	Miller	Pugh	Trimble
Carlson, L.	Jaros	Morrison	Quinn	Tunheim
Carruthers	Jefferson	Munger	Redalen	Uphus
Clark	Jennings	Murphy	Reding	Valento
Conway	Johnson, A.	Nelson, C.	Rest	Vellenga
Cooper	Johnson, R.	Nelson, K.	Rice	Wagenius
Dauner	Johnson, V.	Neuenschwander	Richter	Waltman
Dawkins	Kalis	O'Connor	Rodosovich	Weaver
Dempsey	Kelly	Ogren	Rukavina	Welle
Dille	Kelso	Olsen, S.	Runbeck	Wenzel
Dorn	Kinkel	Olson, E.	Sarna	Williams
Forsythe	Knickerbocker	Olson, K.	Schafer	Winter
Frederick	Kostohryz	Omann	Scheid	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

S. F. No. 294 was reported to the House.

There being no objection, S. F. No. 294 was continued on Special Orders.

H. F. No. 193, A bill for an act relating to crimes; providing that an offender may not demand execution of sentence except under certain circumstances; requiring the board of pardons to meet at least twice each year; amending Minnesota Statutes 1988, sections 609.135, by adding a subdivision; and 638.04.

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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Simoneau
Anderson, G.	Greenfield	Lieder	Osthoff	Skoglund
Anderson, R.	Gruenes	Limmer	Ostrom	Solberg
Battaglia	Gutknecht	Long	Otis	Sparby
Bauerly	Hartle	Lynch	Ozment	Stanisus
Beard	Hasskamp	Macklin	Pauly	Steensma
Begich	Haukoos	Marsh	Pellow	Sviggum
Bennett	Heap	McDonald	Pelowski	Swenson
Bishop	Henry	McEachern	Peterson	Tjornhom
Blatz	Himle	McGuire	Poppenhagen	Tompkins
Boo	Hugoson	McLaughlin	Price	Trimble
Brown	Jacobs	McPherson	Pugh	Tunheim
Burger	Janezich	Milbert	Quinn	Uphus
Carlson, D.	Jaros	Miller	Redalen	Valento
Carlson, L.	Jefferson	Morrison	Reding	Vellenga
Carruthers	Jennings	Munger	Rest	Wagenius
Clark	Johnson, A.	Murphy	Rice	Waltman
Conway	Johnson, R.	Nelson, C.	Richter	Weaver
Cooper	Johnson, V.	Nelson, K.	Rodosovich	Welle
Dauner	Kahn	Neuenschwander	Rukavina	Wenzel
Dawkins	Kalis	O'Connor	Runbeck	Williams
Dempsey	Kelly	Ogren	Sarna	Winter
Dille	Kelso	Olsen, S.	Schafer	Wynia
Dorn	Kinkel	Olson, E.	Scheid	Spk. Vanasek
Forsythe	Knickerbocker	Olson, K.	Schreiber	
Frederick	Kostohryz	Omann	Seaberg	
Frerichs	Krueger	Onnen	Segal	

Those who voted in the negative were:

Pappas

The bill was passed and its title agreed to.

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

H. F. No. 412 was reported to the House.

Olsen, S., moved to amend H. F. No. 412, the first engrossment, as follows:

Page 1, line 22, delete "athletic coaches,"

The motion prevailed and the amendment was adopted.

Olsen, S., moved to amend H. F. No. 412, the first engrossment, as amended, as follows:

Page 2, line 3, after "personnel" insert "including athletic coaches"

The motion prevailed and the amendment was adopted.

H. F. No. 412; A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; providing for teacher performance effectiveness plans; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 125.

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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Onnen	Seaberg
Anderson, G.	Greenfield	Lieder	Orenstein	Segal
Anderson, R.	Gruenes	Limmer	Osthoff	Simoneau
Battaglia	Gutknecht	Long	Ostrom	Skoglund
Bauerly	Hartle	Lynch	Otis	Solberg
Beard	Hasskamp	Macklin	Ozment	Sparby
Begich	Haukoos	Marsh	Pappas	Stanisus
Bennett	Heap	McDonald	Pauly	Steensma
Bishop	Henry	McEachern	Pellow	Svigum
Blatz	Himle	McGuire	Pelowski	Swenson
Boo	Hugoson	McLaughlin	Peterson	Tjornhom
Brown	Jacobs	McPherson	Poppenhagen	Tompkins
Burger	Janezich	Milbert	Price	Trimble
Carlson, D.	Jaros	Miller	Pugh	Tunheim
Carlson, L.	Jefferson	Morrison	Quinn	Uphus
Carruthers	Jennings	Munger	Redalen	Valento
Clark	Johnson, A.	Murphy	Reding	Vellenga
Conway	Johnson, R.	Nelson, C.	Rest	Wagenius
Cooper	Johnson, V.	Nelson, K.	Rice	Waltman
Dauner	Kahn	Neuenschwander	Richter	Weaver
Dawkins	Kalis	O'Connor	Rodosovich	Welle
Dille	Kelly	Ogren	Rukavina	Wenzel
Dorn	Kelso	Olson, S.	Runbeck	Williams
Forsythe	Kinkel	Olson, E.	Sarna	Winter
Frederick	Kostohryz	Olson, K.	Schafer	Wynia
Frerichs	Krueger	Omann	Scheid	Spk. Vanasek

Those who voted in the negative were:

Dempsey

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

The Speaker called Quinn to the Chair.

H. F. No. 456 was reported to the House.

Marsh moved to amend H. F. No. 456, the first engrossment, as follows:

Page 1, lines 7 to 13, delete Section 1 from the bill.

Williams moved that H. F. No. 456 be temporarily laid over on Special Orders. The motion prevailed.

H. F. No. 564 was reported to the House.

Lasley moved to amend H. F. No. 564, the first engrossment, as follows:

Page 1, line 3, delete "or killed"

The motion prevailed and the amendment was adopted.

H. F. No. 564, A bill for an act relating to volunteers; providing benefits to certain volunteers injured while performing public service; amending Minnesota Statutes 1988, section 176.011, subdivision 9.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Hasskamp	Kelly	McPherson
Anderson, G.	Conway	Haukoos	Kelso	Milbert
Anderson, R.	Cooper	Heap	Kinkel	Miller
Battaglia	Dauner	Henry	Kostohryz	Morrison
Bauerly	Dawkins	Himle	Krueger	Munger
Beard	Dempsey	Hugoson	Lasley	Murphy
Begich	Dille	Jacobs	Lieder	Nelson, C.
Bennett	Dorn	Janezich	Limmer	Nelson, K.
Bishop	Forsythe	Jaros	Long	Neuenschwander
Blatz	Frederick	Jefferson	Lynch	O'Connor
Boo	Frerichs	Jennings	Macklin	Ogren
Brown	Girard	Johnson, A.	Marsh	Olsen, S.
Burger	Greenfield	Johnson, R.	McDonald	Olson, E.
Carlson, D.	Gruenes	Johnson, V.	McEachern	Olson, K.
Carlson, L.	Gutknecht	Kahn	McGuire	Omann
Carruthers	Hartle	Kalis	McLaughlin	Onnen

Orenstein	Price	Sarna	Steensma	Waltman
Osthoff	Pugh	Schafer	Sviggum	Weaver
Ostrom	Quinn	Scheid	Swenson	Welle
Otis	Redalen	Schreiber	Tjornhom	Wenzel
Ozment	Reding	Seaberg	Tompkins	Williams
Pappas	Rest	Segal	Trimble	Winter
Pauly	Rice	Simoneau	Tunheim	Wynia
Pellow	Richter	Skoglund	Uphus	Spk. Vanasek
Pelowski	Rodosovich	Solberg	Valento	
Peterson	Rukavina	Sparby	Vellenga	
Poppenhagen	Runbeck	Stanius	Wagenius	

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

H. F. No. 595, A bill for an act relating to housing; exempting relocated residential buildings from certain provisions of the state building code; amending Minnesota Statutes 1988, sections 16B.61, subdivision 3; and 462.357, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanius
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Sviggum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kalis	Ogren	Runbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olson, E.	Schafer	Wynia
Dorn	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omann	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 635, A bill for an act relating to credit unions; providing

members with written notice regarding proposed bylaw amendments; clarifying requirements for credit unions to maintain reserve funds; allowing private insurance of member share and deposit accounts; amending Minnesota Statutes 1988, sections 52.02, subdivision 1, and by adding a subdivision; 52.17, subdivision 1; and 52.24, subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Onnen	Schreiber
Anderson, G.	Greenfield	Lieder	Orenstein	Seaberg
Anderson, R.	Gruenes	Limmer	Osthoff	Segal
Battaglia	Gutknecht	Long	Ostrom	Simoneau
Bauerly	Hartle	Lynch	Otis	Skoglund
Beard	Hasskamp	Macklin	Ozment	Solberg
Begich	Haukoos	Marsh	Pappas	Sparby
Bennett	Heap	McDonald	Pauly	Stanius
Blatz	Henry	McEachern	Pellow	Steensma
Boo	Himle	McGuire	Pelowski	Sviggum
Brown	Hugoson	McLaughlin	Peterson	Swenson
Burger	Jacobs	McPherson	Poppenhagen	Tjornhom
Carlson, D.	Janezich	Milbert	Price	Tompkins
Carlson, L.	Jaros	Miller	Pugh	Trimble
Carruthers	Jefferson	Morrison	Quinn	Tunheim
Clark	Jennings	Munger	Redalen	Uphus
Conway	Johnson, A.	Murphy	Reding	Valento
Cooper	Johnson, R.	Nelson, C.	Rest	Vellenga
Dauner	Johnson, V.	Nelson, K.	Rice	Wagenius
Dawkins	Kahn	Neuenschwander	Richter	Waltman
Dempsey	Kalis	O'Connor	Rodosovich	Weaver
Dille	Kelly	Ogren	Rukavina	Welle
Dorn	Kelso	Olsen, S.	Runbeck	Wenzel
Forsythe	Kinkel	Olson, E.	Sarna	Williams
Frederick	Kostohryz	Olson, K.	Schafer	Winter
Frerichs	Krueger	Omann	Scheid	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 693 was reported to the House.

Carlson, D., moved that H. F. No. 693 be continued on Special Orders. The motion prevailed.

H. F. No. 731, A bill for an act relating to data practices; providing for classification of law enforcement data on child abuse; amending Minnesota Statutes 1988, sections 13.82, by adding a subdivision; and 626.556, subdivisions 11 and 11c.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanis
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Svigum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kalis	Ogren	Runbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olsen, E.	Schafer	Wynia
Dorn	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omann	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 761, A bill for an act relating to judgments; providing a reasonable exemption for employee benefits; amending Minnesota Statutes 1988, section 550.37, subdivision 24.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Clark	Forsythe	Hasskamp
Anderson, G.	Blatz	Conway	Frederick	Haukoos
Anderson, R.	Boo	Cooper	Frerichs	Heap
Battaglia	Brown	Dauner	Girard	Henry
Bauerly	Burger	Dawkins	Greenfield	Himle
Beard	Carlson, D.	Dempsey	Gruenes	Hugoson
Begich	Carlson, L.	Dille	Gutknecht	Jacobs
Bennett	Carruthers	Dorn	Hartle	Janezich

Jaros	Macklin	Omann	Rest	Swiggum
Jefferson	Marsh	Onnen	Rice	Swenson
Jennings	McDonald	Orenstein	Richter	Tjornhom
Johnson, A.	McEachern	Osthoff	Rodosovich	Tompkins
Johnson, R.	McGuire	Ostrom	Rukavina	Trimble
Johnson, V.	McLaughlin	Otis	Runbeck	Tunheim
Kahn	McPherson	Ozment	Sarna	Uphus
Kalis	Milbert	Pappas	Schafer	Valento
Kelly	Miller	Pauly	Scheid	Vellenga
Kelso	Morrison	Pellow	Schreiber	Wagenius
Kinkel	Munger	Pelowski	Seaberg	Waltman
Kostohryz	Murphy	Peterson	Segal	Weaver
Krueger	Nelson, C.	Poppenhagen	Simoneau	Welle
Lasley	Nelson, K.	Price	Skoglund	Wenzel
Lieder	O'Connor	Pugh	Solberg	Williams
Limmer	Olsen, S.	Quinn	Sparby	Winter
Long	Olson, E.	Redalen	Stanisus	Wynia
Lynch	Olson, K.	Reding	Steensma	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 837, A bill for an act relating to crimes; prohibiting the concealing of criminal proceeds; prohibiting racketeering; providing civil and criminal penalties for engaging in narcotics and violent offenses as part of an enterprise; authorizing the dissolution of a corporate charter, revocation of a license, and injunctive relief to prevent criminal activity by an enterprise; authorizing fines of three times the profit gained through racketeering; authorizing criminal forfeiture; amending Minnesota Statutes 1988, section 541.07; proposing coding for new law in Minnesota Statutes, chapters 541 and 609.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Jacobs	Lynch	Olson, E.
Anderson, G.	Dawkins	Janezich	Macklin	Olson, K.
Anderson, R.	Dempsey	Jaros	Marsh	Omann
Battaglia	Dille	Jefferson	McDonald	Onnen
Bauerly	Dorn	Jennings	McEachern	Orenstein
Beard	Forsythe	Johnson, A.	McGuire	Osthoff
Begich	Frederick	Johnson, R.	McLaughlin	Ostrom
Bennett	Frerichs	Johnson, V.	McPherson	Otis
Bishop	Girard	Kahn	Milbert	Ozment
Blatz	Greenfield	Kalis	Miller	Pappas
Boo	Gruenes	Kelly	Morrison	Pauly
Brown	Gutknecht	Kelso	Munger	Pellow
Burger	Hartle	Kinkel	Murphy	Pelowski
Carlson, D.	Hasskamp	Kostohryz	Nelson, C.	Peterson
Carlson, L.	Haukoos	Krueger	Nelson, K.	Poppenhagen
Carruthers	Heap	Lasley	Neuenschwander	Price
Clark	Henry	Lieder	O'Connor	Pugh
Conway	Himle	Limmer	Ogren	Quinn
Cooper	Hugoson	Long	Olsen, S.	Redalen

Reding	Schafer	Sparby	Tunheim	Wenzel
Rest	Scheid	Stanjus	Uphus	Williams
Rice	Schreiber	Steensma	Valento	Winter
Richter	Seaberg	Sviggum	Vellenga	Wynia
Rodosovich	Segal	Swenson	Wagenius	Spk. Vanasek
Rukavina	Simoneau	Tjornhom	Waltman	
Runbeck	Skoglund	Tompkins	Weaver	
Sarna	Solberg	Trimble	Welle	

The bill was passed and its title agreed to.

H. F. No. 916, A bill for an act relating to metropolitan government; providing a salary range and specifying responsibilities for the chair of the waste control commission; amending Minnesota Statutes 1988, sections 15A.081, subdivisions 1 and 7; and 473.141, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lasley	Orenstein	Simoneau
Anderson, G.	Greenfield	Lieder	Osthoft	Skoglund
Anderson, R.	Gruenes	Limmer	Ostrom	Solberg
Battaglia	Gutknecht	Long	Otis	Sparby
Bauerly	Hartle	Lynch	Ozment	Steensma
Beard	Hasskamp	Macklin	Pappas	Sviggum
Begich	Haukoos	Marsh	Pauly	Swenson
Bennett	Heap	McDonald	Pelowski	Tjornhom
Bishop	Henry	McEachern	Peterson	Tompkins
Boo	Himle	McGuire	Poppenhagen	Trimble
Brown	Hugoson	McLaughlin	Price	Tunheim
Burger	Jacobs	McPherson	Pugh	Uphus
Carlson, D.	Janezich	Milbert	Quinn	Valento
Carlson, L.	Jaros	Morrison	Redalen	Vellenga
Carruthers	Jefferson	Munger	Reding	Wagenius
Clark	Jennings	Murphy	Rest	Waltman
Conway	Johnson, A.	Nelson, C.	Rice	Weaver
Cooper	Johnson, R.	Nelson, K.	Richter	Welle
Dauner	Johnson, V.	Neuenschwander	Rodosovich	Wenzel
Dawkins	Kahn	O'Connor	Rukavina	Williams
Dempsey	Kalis	Ogren	Runbeck	Winter
Dille	Kelly	Olsen, S.	Sarna	Wynia
Dorn	Kelso	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Kinkel	Olson, K.	Scheid	
Frederick	Kostohryz	Omman	Schreiber	
Frerichs	Krueger	Onnen	Segal	

Those who voted in the negative were:

Blatz	Miller	Pellow	Seaberg	Stanjus
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The bill was passed and its title agreed to.

H. F. No. 1069, A bill for an act relating to real property; providing that purchaser's right to cancel applies to condominiums created before August 1, 1980; providing that lien on real estate added in expansion of flexible condominiums does not affect existing condominiums; amending Minnesota Statutes 1988, sections 515A.1-102; and 515A.2-111.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanisus
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Svigum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kalis	Ogren	Runbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olson, E.	Schafer	Wynia
Dorn	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omann	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1151, A bill for an act relating to probate; changing procedure for notice to certain creditors; changing certain time limits; amending Minnesota Statutes 1988, sections 524.3-801; 524.3-802; 524.3-803; and 524.3-807.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanius
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Swiggum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kalis	Ogren	Runbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olson, E.	Schafer	Wynia
Dorn	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omman	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1197, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1988, sections 10A.01, subdivisions 5 and 18; 10A.32, subdivision 3a; 13.46, subdivision 2; 13.75, subdivision 2; 16A.26; 16B.28, subdivision 3; 18B.25, subdivision 4; 45.028, subdivision 1; 69.32; 105.81; 115A.195; 115C.08, subdivision 3; 116.44, subdivision 1; 122.23, subdivision 18; 122.96, subdivision 3; 124.646, subdivision 1; 124A.24; 124A.27, subdivision 1; 127.35; 136C.61, subdivision 1; 136D.27, subdivision 3; 136D.71; 136D.74, subdivision 2b; 136D.741, subdivision 4; 136D.87, subdivision 3; 141.35; 144.122; 144.335, subdivision 2; 145A.07, subdivision 1; 145A.13; 157.03; 168.33, subdivision 2; 168A.24, subdivision 2; 168A.29, subdivision 3; 169.345, subdivision 2; 176.081, subdivision 1; 176.101, subdivision 3e; 176.131, subdivision 1; 176.421, subdivision 7; 205.065, subdivision 1; 205.18, subdivision 2; 211B.15, subdivision 4; 214.01, subdivision 2; 245.77; 256.01, subdivision 2; 256.991; 256B.69, subdivision 16; 256D.03, subdivision 4; 256G.02, subdivision 4; 256G.06; 257.354, subdivision 4; 268.04, subdivision 32; 268.10, subdivision 1; 272.02, subdivision 1; 273.124, subdivision 6; 290.05, subdivision 3; 290.92, subdivision 23; 297.07, subdivision 3; 297.35, subdivision 3; 298.2211, subdivision 1; 308.11; 340A.414, subdivision 6; 349.213, subdivision 2; 352.01, subdivision 2b; 353.01,

subdivision 2a; 363.06, subdivision 4; 383B.229; 383B.77; 383C.331; 383C.334; 469.0721; 469.121, subdivision 1; 469.129, subdivision 1; 471.562, subdivision 4; 471.563; 473.605, subdivision 2; 473.845, subdivision 1; 474A.02, subdivision 18; 480A.02, subdivision 7; 485.018, subdivision 2; 515A.3-115; 525.94, subdivision 3; 548.09, subdivision 2; 604.02, subdivision 1; 609.506, subdivision 1; and 611A.53, subdivision 1; reenacting Minnesota Statutes 1988, section 80A.14, subdivision 18; repealing Minnesota Statutes 1988, sections 260.125, subdivision 6; 326.01, subdivision 21; and 362A.08; amending Laws 1976, chapter 134, section 79; Laws 1988, chapter 640, section 5; and chapter 719, article 12, section 29; repealing Laws 1965, chapter 267, section 1; Laws 1971, chapter 830, section 7; Laws 1976, chapter 2, section 62; chapter 134, section 2; chapter 163, section 10; and chapter 173, section 53; Laws 1977, chapter 35, section 8; Laws 1978, chapter 496, section 1; and chapter 706, section 31; Laws 1979, chapter 48, section 2; and chapter 184, section 3; Laws 1981, chapter 271, section 1; Laws 1982, chapter 514, section 15; Laws 1983, chapter 242, section 1; chapter 247, section 38; chapter 289, section 4; chapter 290, sections 2 and 3; chapter 299, section 26; and chapter 303, sections 21 and 22; Laws 1984, chapter 654, article 2, section 117; Laws 1986, chapter 312, section 1; chapter 400, section 43; and chapter 452, section 17; Laws 1986, First Special Session chapter 3, article 1, sections 74 and 79; and Laws 1987, chapter 268, article 5, section 5; chapter 384, article 2, section 25; chapter 385, section 7; chapter 403, article 5, section 1; and chapter 404, section 138.

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 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jennings	McPherson	Pappas
Anderson, G.	Dille	Johnson, A.	Milbert	Pauly
Anderson, R.	Dorn	Johnson, R.	Miller	Pellow
Battaglia	Forsythe	Johnson, V.	Morrison	Pelowski
Bauerly	Frederick	Kalis	Munger	Peterson
Beard	Frerichs	Kelly	Murphy	Poppenhagen
Begich	Girard	Kelso	Nelson, C.	Price
Bennett	Greenfield	Kinkel	Nelson, K.	Pugh
Bishop	Gruenes	Kostohryz	Neuenschwander	Quinn
Blatz	Gutknecht	Krueger	O'Connor	Redalen
Boo	Hartle	Lasley	Ogren	Reding
Brown	Hasskamp	Lieder	Olson, S.	Rest
Burger	Haukoos	Limmer	Olson, E.	Rice
Carlson, D.	Heap	Long	Olson, K.	Richter
Carlson, L.	Henry	Lynch	Omann	Rodosovich
Carruthers	Himle	Macklin	Onnen	Rukavina
Clark	Hugoson	Marsh	Orenstein	Runbeck
Conway	Jacobs	McDonald	Osthoft	Sarna
Cooper	Janezich	McEachern	Ostrom	Schafer
Dauner	Jaros	McGuire	Otis	Scheid
Dawkins	Jefferson	McLaughlin	Ozment	Schreiber

Seaberg	Sparby	Tompkins	Vellenga	Wenzel
Segal	Steensma	Trimble	Wagenius	Williams
Simoneau	Sviggum	Tunheim	Waltman	Winter
Skoglund	Swenson	Uphus	Weaver	Wynia
Solberg	Tjornhom	Valento	Welle	Spk. Vanasek

Those who voted in the negative were:

Stanius

The bill was passed and its title agreed to.

H. F. No. 1357, A bill for an act relating to taxation; liquor; changing the time limit for certain claims for refund; amending Minnesota Statutes 1988, section 297C.06, subdivisions 2 and 5.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Lieder	Osthoff	Simoneau
Anderson, G.	Greenfield	Limmer	Ostrom	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Lynch	Ozment	Sparby
Bauerly	Hartle	Macklin	Pappas	Stanius
Beard	Hasskamp	Marsh	Pauly	Steensma
Begich	Haukoos	McDonald	Pellow	Sviggum
Bennett	Heap	McEachern	Pelowski	Swenson
Bishop	Henry	McGuire	Peterson	Tjornhom
Blatz	Himle	McLaughlin	Poppenhagen	Tompkins
Boo	Hugoson	McPherson	Price	Trimble
Brown	Jacobs	Milbert	Pugh	Tunheim
Burger	Janezich	Miller	Quinn	Uphus
Carlson, D.	Jaros	Morrison	Redalen	Valento
Carlson, L.	Jefferson	Munger	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kalis	Ogren	Runbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olsen, E.	Schafer	Wynia
Dorn	Kinkel	Olsen, K.	Scheid	Spk. Vanasek
Forsythe	Kostohryz	Omann	Schreiber	
Frederick	Krueger	Onnen	Seaberg	
Frerichs	Lasley	Orenstein	Segal	

The bill was passed and its title agreed to.

H. F. No. 1405, A bill for an act relating to liquor; requiring notice and hearing before liquor license fees are increased; amending

Minnesota Statutes 1988, section 340A.408, 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 110 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Kelso	Olson, K.	Seaberg
Anderson, G.	Forsythe	Kinkel	Omman	Segal
Anderson, R.	Girard	Kostohryz	Orenstein	Simoneau
Battaglia	Gruenes	Krueger	Ostrom	Solberg
Bauerly	Gutknecht	Lasley	Otis	Sparby
Beard	Hartle	Lieder	Ozment	Steensma
Begich	Hasskamp	Limmer	Pappas	Sviggum
Bennett	Haukoos	Lynch	Pauly	Swenson
Bishop	Heap	Macklin	Pellow	Tjornhom
Blatz	Henry	Marsh	Pelowski	Tompkins
Boo	Himle	McEachern	Peterson	Trimble
Brown	Hugoson	McGuire	Poppenhagen	Tunheim
Burger	Jacobs	McLaughlin	Price	Uphus
Carlson, D.	Janezich	McPherson	Pugh	Valento
Carlson, L.	Jaros	Morrison	Quinn	Vellenga
Clark	Jefferson	Murphy	Redalen	Waltman
Conway	Jennings	Nelson, C.	Reding	Welle
Cooper	Johnson, A.	Neuenschwander	Rest	Wenzel
Dauner	Johnson, R.	O'Connor	Rodosovich	Williams
Dawkins	Johnson, V.	Ogren	Rukavina	Winter
Dempsey	Kalis	Olsen, S.	Sarna	Wynia
Dille	Kelly	Olson, E.	Schreiber	Spk. Vanasek

Those who voted in the negative were:

Carruthers	Miller	Richter	Skoglund
Frederick	Nelson, K.	Runbeck	Stanis
Frerichs	Onnen	Schafer	Wagenius
McDonald	Osthoff	Scheid	Weaver

The bill was passed and its title agreed to.

H. F. No. 456 which was temporarily laid over earlier today was again reported to the House.

Marsh withdrew his amendment to H. F. No. 456, the first engrossment, which he offered earlier today.

Williams moved to amend H. F. No. 456, the first engrossment, as follows:

Page 1, lines 11 and 12, before "this" insert "subdivision 5 of"

The motion prevailed and the amendment was adopted.

H. F. No. 456, A bill for an act relating to human rights; allowing results of job evaluation systems as evidence in discrimination actions; amending Minnesota Statutes 1988, sections 43A.05, by adding a subdivision; and 471.997.

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 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Lieder	Ostrom	Skoglund
Anderson, G.	Girard	Limmer	Otis	Solberg
Anderson, R.	Greenfield	Long	Ozment	Sparby
Battaglia	Gruenes	Lynch	Pappas	Stanisus
Bauerly	Hartle	Macklin	Pauly	Steensma
Beard	Hasskamp	Marsh	Pellow	Sviggum
Begich	Haukoos	McDonald	Pelowski	Swenson
Bennett	Heap	McEachern	Peterson	Tjornhom
Bishop	Henry	McGuire	Poppenhagen	Tompkins
Blatz	Hugoson	McLaughlin	Price	Trimble
Boo	Jacobs	Milbert	Pugh	Tunheim
Brown	Janezich	Morrison	Quinn	Uphus
Burger	Jaros	Munger	Redalen	Valento
Carlson, D.	Jefferson	Murphy	Reding	Vellenga
Carlson, L.	Jennings	Nelson, C.	Rest	Wagenius
Carruthers	Johnson, A.	Nelson, K.	Rice	Waltman
Clark	Johnson, R.	Neuenschwander	Richter	Weaver
Conway	Johnson, V.	O'Connor	Rodosovich	Welle
Cooper	Kahn	Ogren	Rukavina	Wenzel
Dauner	Kalis	Olsen, S.	Runbeck	Williams
Dawkins	Kelly	Olson, E.	Sarna	Winter
Dempsey	Kelso	Olson, K.	Schafer	Wynia
Dille	Kinkel	Omann	Scheid	Spk. Vanasek
Dorn	Kostohryz	Onnen	Seaberg	
Forsythe	Krueger	Orenstein	Segal	
Frederick	Lasley	Osthoff	Simoneau	

Those who voted in the negative were:

Gutknecht McPherson Miller

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

The Speaker resumed the Chair.

H. F. No. 1429, A bill for an act relating to licensure of ambulance services; establishing new standards; amending Minnesota Statutes 1988, sections 144.801, subdivisions 4 and 7; 144.802, subdivisions 3, 3a, 4, and by adding a subdivision; 144.804; 144.806; 144.807,

subdivision 1; 144.808; 144.809; and 144.8091; repealing Minnesota Statutes 1988, sections 144.805; 144.807, subdivision 3; and 144.8092.

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 69 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Krueger	Osthoff	Segal
Battaglia	Greenfield	Lieder	Otis	Simoneau
Bauerly	Gruenes	Long	Pappas	Skoglund
Beard	Gutknecht	McEachern	Pelowski	Solberg
Begich	Jacobs	McGuire	Peterson	Stanius
Bennett	Janezich	McLaughlin	Price	Trimble
Bishop	Jaros	Milbert	Pugh	Vellenga
Brown	Jefferson	Munger	Quinn	Wagenius
Carlson, L.	Johnson, A.	Murphy	Reding	Welle
Carruthers	Kahn	Nelson, C.	Rest	Wenzel
Clark	Kalis	Nelson, K.	Rice	Williams
Conway	Kelly	O'Connor	Rodosovich	Wynia
Cooper	Kelso	Ogren	Sarna	Spk. Vanasek
Dawkins	Kostohryz	Orenstein	Scheid	

Those who voted in the negative were:

Abrams	Girard	Limmer	Onnen	Seaberg
Anderson, R.	Hartle	Lynch	Ostrom	Sparby
Blatz	Hasskamp	Macklin	Ozment	Steensma
Boo	Haukoos	Marsh	Pauly	Sviggum
Burger	Heap	McDonald	Pellow	Swenson
Carlson, D.	Henry	McPherson	Poppenhagen	Tjornhom
Dauner	Himle	Miller	Redalen	Tompkins
Dempsey	Hugoson	Morrison	Richter	Tunheim
Dille	Jennings	Neuenschwander	Rukavina	Uphus
Forsythe	Johnson, R.	Olsen, S.	Runbeck	Valento
Frederick	Johnson, V.	Olson, K.	Schafer	Waltman
Frerichs	Kinkel	Omann	Schreiber	Weaver
				Winter

The bill was passed and its title agreed to.

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

GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Kelly moved that the name of Skoglund be added as an author on H. F. No. 812. The motion prevailed.

Steensma moved that the name of Pugh be stricken and the name of Olsen, S., be added as an author on H. F. No. 946. The motion prevailed.

Reding moved that the name of Sparby be added as an author on H. F. No. 1307. The motion prevailed.

Morrison moved that the name of Osthoff be added as an author on H. F. No. 1351. The motion prevailed.

Clark moved that the name of Trimble be added as an author on H. F. No. 1519. The motion prevailed.

Kahn moved that the name of Carlson, D., be added as an author on H. F. No. 1684. The motion prevailed.

McEachern moved that H. F. No. 1580, now on Technical General Orders, be re-referred to the Committee on Taxes. The motion prevailed.

Simoneau moved that H. F. No. 1365, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Stanis moved that H. F. No. 600 be returned to its author. The motion prevailed.

Stanis moved that H. F. No. 605 be returned to its author. The motion prevailed.

Stanis moved that H. F. No. 1264 be returned to its author. The motion prevailed.

Poppenhagen moved that H. F. No. 1503 be returned to its author. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 2:30 p.m., Wednesday, April 19, 1989. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Wednesday, April 19, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives