

## STATE OF MINNESOTA

## SEVENTY-SIXTH SESSION—1989

## FORTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 27, 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 Father Dick Lampert of St. John's Episcopal Church, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Kelly and Swenson were excused.

Poppenhagen was excused until 4:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Waltman 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. 337, 1504, 162, 415, 981, 1110, 1179, 1221, 1423, 1425, 1339 and 1113 and S. F. Nos. 1488, 321, 331 and 851 have been placed in the members' files.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 30, A bill for an act relating to employment; requiring breaks during the work day; amending Minnesota Statutes 1988, sections 177.32, subdivision 1; and 177.33; proposing coding for new law in Minnesota Statutes, chapter 177.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [177.254] [MANDATORY MEAL BREAK.]

Subdivision 1. [MEAL BREAK.] An employer must permit each employee who is working for six or more consecutive hours sufficient time to eat a meal.

Subd. 2. [PAYMENT NOT REQUIRED.] Nothing in this section requires the employer to pay the employee during the meal break.

Subd. 3. [COLLECTIVE BARGAINING AGREEMENT.] Nothing in this section prohibits employers and employees from establishing meal periods different from those provided in this section pursuant to a collective bargaining agreement.”

Amend the title as follows:

Page 1, lines 3 and 4, delete “amending Minnesota Statutes 1988, sections 177.32, subdivision 1; and 177.33;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 186, A bill for an act relating to employment; protective agents; prohibiting employers to hire as a protective agent a person convicted of certain crimes; disqualifying persons convicted of criminal sexual conduct from holding a license to operate a private detective or protective agent service; amending Minnesota Statutes 1988, sections 326.336, subdivision 1; 326.3381, subdivision 3, and by adding a subdivision; and 364.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 326.32, is amended by adding a subdivision to read:

Subd. 10c. "Proprietary employer" means an individual, partnership, or corporation that is not engaged in the business of providing protective agents but employs individuals to serve as security guards solely on the employer's property and its curtilage.

Sec. 2. Minnesota Statutes 1988, section 326.32, is amended by adding a subdivision to read:

Subd. 13. (a) "Security guard" means a person who wears or carries any insignia that identifies the person to the public as security, who is paid a fee, wage, or salary to do one or more of the following:

(1) prevent or detect intrusion, unauthorized entry or activity, vandalism, or trespass on private property;

(2) prevent or detect theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) control, regulate, or direct the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) protect individuals from bodily harm; or

(5) enforce policies and rules of the security guard's employer related to crime reduction to the extent that the enforcement falls within the scope of the security guard's duties.

(b) The term "security guard" does not include:

(1) an auditor, accountant, or accounting clerk performing audits or accounting functions;

(2) an employee of a firm licensed under section 326.3381 whose duties are primarily administrative or clerical in nature;

(3) a person employed by a proprietary company to conduct plain-clothes surveillance or investigation;

(4) a person temporarily employed under statute or ordinance by political subdivisions to provide protective services at social functions;

(5) an employee of an air or rail carrier;

(6) a customer service representative or sales clerk employed in a retail establishment; or

(7) a person employed to perform primarily maintenance or custodial functions.

Sec. 3. Minnesota Statutes 1988, section 326.336, subdivision 1, is amended to read:

Subdivision 1. A license holder may employ, in connection with the business of private detective or protective agent, as many unlicensed persons as may be necessary; provided that every license holder is at all times accountable for the good conduct of every person employed. When a license holder hires a person to perform services as a private detective or protective agent, the employer shall submit to the bureau of criminal apprehension a full set of fingerprints of each employee and the written consent of the employee or prospective employee for to enable the bureau to determine whether that person has a criminal record. The employee is a conditional employee until the employer receives a report from the bureau that, based on a check of the criminal records maintained by the bureau, the prospective employee has not been convicted in Minnesota of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault. During the period of conditional employment, the person may not serve as a private detective or protective agent, but may be trained by the employer. The bureau shall immediately request the Federal Bureau of Investigation to conduct a check of each conditional employee's criminal record, and the bureau of criminal apprehension shall immediately forward the results to the employer when they are received. If the bureau report or Federal Bureau of Investigation report indicates that the employee was convicted of a disqualifying offense, the employer shall immediately dismiss the employee.

Sec. 4. Minnesota Statutes 1988, section 326.3381, is amended by adding a subdivision to read:

Subd. 1a. [PROPRIETARY EMPLOYERS.] A proprietary employer is not required to obtain a license, but must comply with section 326.336, subdivision 1, with respect to the hiring of security guards.

Sec. 5. Minnesota Statutes 1988, section 326.3381, subdivision 3, is amended to read:

Subd. 3. [DISQUALIFICATION.] No person is qualified to hold a license who has:

(1) been convicted of (i) a felony by the courts of this or any other state or of the United States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully; or (iii) in any other country of acts which, if done in Minnesota, would be a felony or would be any of the other offenses provided in this clause and for which a full pardon or similar relief has not been granted;

(2) made any false statement in an application for a license or any document required to be submitted to the board; or

(3) failed to demonstrate to the board good character, honesty, and integrity.

Sec. 6. Minnesota Statutes 1988, section 364.09, is amended to read:

#### 364.09 [EXCEPTIONS.]

This chapter shall not apply to the practice of law enforcement, to eligibility for a private detective or protective agent license, to eligibility for a family day care license, a family foster care license, a home care provider license, or to eligibility for school bus driver endorsements. Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement.

#### Sec. 7. [EFFECT ON CURRENT EMPLOYEES.]

Sections 1 to 4 do not apply to persons hired before the effective date of those sections.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employment; protective agents; prohibiting employers to hire as a protective agent a person convicted of certain crimes; disqualifying persons convicted of criminal sexual conduct from holding a license to operate a private detective or protective agent service; amending Minnesota Statutes 1988, sections 326.32, by adding subdivisions; 326.336, subdivision 1; 326.3381, subdivision 3, and by adding a subdivision; and 364.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 187, A bill for an act relating to game and fish; prohibiting harassment of hunters and anglers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the following amendments:

Page 1, line 6, after "HUNTER" insert ", TRAPPER,"

Page 1, line 15, after "take" insert "lawfully"

Page 1, line 20, after "HUNTERS" insert ", TRAPPERS,"

Page 2, line 4, delete everything after "conduct" and insert "For purposes of this subdivision, harassing conduct does not include a landowner's or lessee's action to enforce the trespass law."

Page 2, delete lines 5 and 6

Amend the title as follows:

Page 1, line 3, after "hunters" insert ", trappers,"

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. 260, A bill for an act relating to employment; providing for review of an employee's personnel record; providing for removal or revision of disputed information contained in an employee's personnel record; regulating use of omitted information; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 2, line 1, delete "and"

Page 2, line 3, before the period insert "; any other record used in determining the employee's qualifications for employment, promotion, transfer, compensation, termination, or other disciplinary action; and any medical record"

Page 2, line 10, before the semicolon insert "; unless and until the employer takes adverse personnel action based on information in such records"

Page 2, line 22, after the semicolon insert "and"

Page 2, line 25, delete the semicolon and insert a period

Delete page 2, line 26 to page 3, line 3

Page 3, delete lines 28 and 29

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. 354, A bill for an act relating to elections; providing for handicap access to precinct caucuses and party conventions; providing for sign interpreters at precinct caucuses and party conventions; amending Minnesota Statutes 1988, sections 202A.13; and 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 202A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 202A.13, is amended to read:

**202A.13 [COMMITTEES, CONVENTIONS.]**

The rules of each major political party shall provide that for each congressional district and each county or legislative district a convention shall be held at least once every state general election year. Each major political party shall also provide for each congressional district and each county or legislative district an executive committee consisting of a chair and such other officers as may be necessary. The party rules may provide for only one executive committee and one convention where any county and congressional district have the same territorial limits.

A communicatively impaired delegate or alternate who needs interpreter services at a county, legislative district, state, or congressional district convention shall so notify the executive committee of the major political party unit whose convention the delegate or alternate plans to attend. Written notice must be given by certified mail to the executive committee at least 30 days before the convention date. The major political party, not later than 14 days before the convention date, shall secure the services of one or more interpreters if available and shall submit a request for reimbursement for the cost of the services to the secretary of state. The secretary of state shall adopt a schedule of reimbursement fees by rule.

A visually impaired delegate or alternate to a county, legislative district, state, or congressional district convention may notify the executive committee of the major political party unit that the delegate or alternate requires convention materials in audio tape, Braille, or large print format. Upon receiving the request, the executive committee shall provide all official written convention materials as soon as they are available, so that the visually impaired individual may have them converted to audio tape, Braille, or large print format, prior to the convention.

Sec. 2. Minnesota Statutes 1988, section 202A.15, subdivision 2, is amended to read:

Subd. 2. The precinct caucuses shall be held at the regular polling places for each precinct or other suitable places designated in the call, and no caucus may be adjourned to any other place or time.

In the event that there is only one suitable meeting place in the



precinct polling place and the major political parties cannot agree as to its use, the county auditor shall decide by lot prior to January 15, 1970, the party which is to receive the use of the meeting place in years evenly divisible by four and which party shall receive the use of the meeting place in other years in which a state general election is held. The report of such selections by lot in the county shall be filed by the auditor with the county board which shall publish the same as a part of the minutes of the board meeting at which the report is filed.

A precinct caucus must be held at a place that meets the accessibility standards for precinct polling places specified in section 204B.16, subdivision 5. In addition, the place where a precinct caucus is held must contain restrooms that conform to the standards in the state building code for accessibility by handicapped persons. If a precinct caucus is held on a floor of a building that is either above or below the entrance level for the building, an elevator must be available. Any elevators used for access to the room where the precinct caucus is held must conform to the standards in the state building code for accessibility by handicapped persons.

If there are not enough places within a precinct that are or can be made accessible as provided by this subdivision and section 204B.16, subdivision 5, for each major party to hold its precinct caucus, a major party may hold its caucus at a place outside one of the boundaries of the precinct in order to comply with accessibility requirements.

If only one place satisfies the accessibility and location requirements of this subdivision, the major parties shall alternate use of the place. Prior to January 1, 1990, the county auditor shall decide by lot which party is to use the accessible place in years evenly divisible by four and which party is to use the place in other years when a state general election is held.

Sec. 3. [202A.155] [INTERPRETER SERVICES; CAUCUS MATERIALS.]

A communicatively impaired individual who needs interpreter services at a precinct caucus shall so notify the major political party whose caucus the individual plans to attend, and shall provide written notice by certified mail to the county or legislative district committee of the political party at least 30 days before the precinct caucus date. The major political party, not later than 14 days before the precinct caucus date, shall secure the services of one or more interpreters if available and shall submit a request for reimbursement for the cost of the services to the secretary of state. The secretary of state shall adopt a schedule of reimbursement fees by rule.

A visually impaired individual may notify the county or legisla-

tive district committee of the major political party whose precinct caucus the individual plans to attend, that the individual requires caucus materials in audio tape, Braille, or large type format. Upon receiving the request, the county or legislative district committee shall provide all official written caucus materials as soon as they are available, so that the visually impaired individual may have them converted to audio tape, Braille, or large print format prior to the precinct caucus.

**Sec. 4. [202A.156] [INTERPRETER SERVICES AND ACCESSIBLE PRECINCT CAUCUS EXEMPTIONS.]**

A major political party is not required to:

(1) provide an interpreter for a convention or precinct caucus if it has made documented good faith efforts to locate and assign an interpreter, including contacting an interpreter referral center or regional service center for the hearing impaired, and no interpreters are available; or

(2) hold a precinct caucus at a place that meets the accessibility standards for precinct polling places specified in section 2, if it has made documented good faith efforts to locate and secure an available accessible site within a reasonable distance of the precinct, and no accessible site is available.

**Sec. 5. [APPROPRIATION.]**

§ . . . . . is appropriated from the general fund to the secretary of state to reimburse major political parties for the costs of providing interpreter services to communicatively impaired persons."

Delete the title and insert:

"A bill for an act relating to elections; providing for handicap access to precinct caucuses and party conventions; providing for interpreters at precinct caucuses and party conventions; making convention and caucus materials available to the visually impaired; appropriating money; amending Minnesota Statutes 1988, sections 202A.13; and 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 202A."

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. 357, A bill for an act relating to commerce; requiring businesses offering check cashing services to be licensed; establishing a maximum fee to be charged for check cashing services; proposing coding for new law as Minnesota Statutes, chapter 55A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [53A.01] [DEFINITIONS.]

Subdivision 1. [CURRENCY EXCHANGE.] "Currency exchange" means any person, except a bank, trust company, savings bank, savings and loan association, credit union, or industrial loan and thrift company, engaged in the business of cashing checks and drafts or selling money orders or travelers' checks for a fee. "Currency exchange" does not include a person who provides these services incidental to the person's primary business if the charge for cashing a check or draft does not exceed \$1.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Sec. 2. [53A.02] [LICENSE.]

A person may not engage in the business of a currency exchange without first obtaining a license from the commissioner.

Sec. 3. [53A.03] [APPLICATION FOR LICENSE; FEES.]

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and address (both of residence and place of business) of the applicant, and if the applicant is a partnership or association, of every member, and the name and business address if the applicant is a corporation;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other currency exchange in this or any other state; whether the applicant has ever been convicted of any crime; and the nature of the applicant's occupancy of the premises to be licensed; and if the applicant is a partnership or a corporation, the informa-

tion specified in this paragraph must be supplied for each partner and each officer and director of the corporation. If the applicant is a partnership or a nonpublicly held corporation, the information specified in this paragraph must be required of each partner and each officer, director, and stockholders owing in excess of ten percent of the corporate stock of the corporation.

(b) The application shall be accompanied by a nonrefundable fee of \$250 for the review of the initial application. Upon approval by the commissioner, an additional license fee of \$50 must be paid by the applicant as an annual license fee for the remainder of the calendar year. An annual license fee of \$50 is due for each subsequent calendar year of operation upon submission of a license renewal application on or before December 1. Upon payment of the required annual license fee, the commissioner shall issue a license for the year beginning January 1.

Sec. 4. [53A.04] [APPROVAL OR DENIAL OF AN APPLICATION.]

The commissioner shall approve or deny an application within 30 days from the completed filing of it. If the application is denied, the commissioner shall send by mail notice of the denial and the reason for the denial to the applicant at the address contained in the application. If an application is denied, the applicant may, within 30 days of receiving the notice of a denial, request a contested case hearing pursuant to chapter 14.

Sec. 5. [53A.05] [CHANGE OF NAME OR LOCATION.]

If a licensee proposes to change the name or location of any or all of its currency exchanges, or adds a new currency exchange location, the licensee shall file an application for approval of the change with the commissioner. If the change is approved by the commissioner, the commissioner shall issue an amended license in the licensee's new name or location. A \$50 fee must be paid for the amended license.

Sec. 6. [53A.06] [FINE, SUSPENSION, OR REVOCATION OF LICENSE.]

(a) The commissioner may suspend or revoke any license under section 45.027 if the commissioner finds that:

(1) the licensee has failed to pay the annual license fee or to maintain in effect the required bond or to comply with any order, decision, or finding of the commissioner under this act;

(2) the licensee, or any officer or director of a corporate licensee,

has violated any provision of this act or any rule or order of the commissioner under this chapter or chapter 45;

(3) the licensee, or any officer or director of a corporate licensee, has violated any other law which would indicate that the person is untrustworthy or not qualified to operate a currency exchange; or

(4) any fact or condition exists which, if it had existed at the time of the original or renewal application for the license, would have warranted the commissioner refusing the issuance of the license.

(b) A license may not be revoked until the licensee has had notice of a hearing pursuant to the provisions of chapter 14.

(c) A licensee may surrender any license by delivery to the commissioner. The surrender does not affect the licensee's civil or criminal liability for acts committed before the surrender, or affect the liability on the bond required by this act or entitle the licensee to a return of any part of any license fee.

(d) Before suspension or revocation of the license, the commissioner may fine a licensee for violations of this act as authorized under chapter 45.

Sec. 7. [53A.07] [FILING OF FEES; UNREASONABLE FEES.]

Subdivision 1. [APPROVAL OF FEES.] Fees charged at each location for check cashing services must be filed with and approved by the commissioner.

Subd. 2. [AMENDMENT OF FEES.] A licensee may amend its fees at any time by filing the proposed amendments with the commissioner. The application for amendment shall be in writing, under oath, and in the form prescribed by the commissioner. A fee of \$50 shall accompany the application. The commissioner shall approve or deny the application 60 days after the filing of a complete application to amend its fees.

Subd. 3. [STANDARDS; UNREASONABLE FEES PROHIBITED.] The commissioner may disapprove the fees filed by a currency exchange if they are not fair and reasonable. In determining whether a fee is fair and reasonable, the commissioner shall take into consideration:

(1) rates charged in the past for cashing of checks by those persons and organizations providing check cashing services in the state of Minnesota;

(2) the income, cost, and experience of the operations of currency

exchanges existing prior to this enactment or in other states under similar conditions or regulations;

(3) the amount of risk involved in the type of check to be cashed and the location where the currency exchange operates;

(4) the general cost of doing business, insurance costs, security costs, banking fees, and other costs associated with the operations of the particular currency exchange;

(5) a reasonable profit for a currency exchange operation; and

(6) any other matter the commissioner deems appropriate. The commissioner shall set a separate rate, consistent with the above standards, for checks issued by a government entity in an amount up to \$500 to be cashed by a currency exchange.

Sec. 8. [53A.08] [BOND.]

Any currency exchange that engages in the sale of money orders or travelers' checks shall comply with bonding requirements pursuant to section 48.151.

Sec. 9. [53A.09] [POWERS; LIMITATIONS; PROHIBITIONS.]

A currency exchange may not accept money or currency for deposit, or act as bailee or agent for persons, firms, partnerships, associations, or corporations to hold money or currency in escrow for others for any purpose.

Sec. 10. [53A.10] [VIOLATIONS.]

Any person, firm, association, partnership, or corporation that violates this act shall be guilty of a misdemeanor.

Sec. 11. [53A.11] [BOOKS OF ACCOUNT; ANNUAL REPORT.]

The licensee shall keep and use in the licensee's business the books, accounts, and records that will enable the commissioner to determine whether the licensee is complying with the provisions of this act and with the rules adopted by the commissioner. A licensee shall preserve the books, accounts, and records for at least two years after making the final entry.

Sec. 12. [53A.12] [RULES.]

The commissioner may adopt rules under chapter 14 as may be necessary to administer and enforce this chapter.

Sec. 13. [53A.13] [FEE NOTICE; FALSE ADVERTISING; PENALTY.]

Subdivision 1. [FEE NOTICE.] The fees charged by currency exchanges for rendering any service authorized by this act must be prominently displayed on the premises of the currency exchange in the fashion required by the commissioner.

Subd. 2. [FALSE ADVERTISING.] A licensee may not advertise, print, display, publish, distribute, or broadcast any statement or representation that is false, misleading, or deceptive, or that omits material information.

Subd. 3. [CIVIL LIABILITY; PENALTY.] A person who violates any subdivision of this chapter is liable to the person damaged by the violation for actual damages. The court may award reasonable attorney fees and costs.

Sec. 14. [53A.14] [EFFECT ON LOCAL LAW.]

Local law requirements that are inconsistent with the requirements in this chapter are preempted to the extent of the inconsistency.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective August 1, 1989. Existing currency exchanges must submit applications in compliance with this chapter by October 1, 1989. No currency exchange shall operate without a license after December 31, 1989."

Delete the title and insert:

"A bill for an act relating to commerce; regulating currency exchanges; requiring currency exchanges to be licensed by the commissioner of commerce; requiring charges to be reasonable; proposing coding for new law as Minnesota Statutes, chapter 53A."

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. 759, A bill for an act relating to veterans; requiring a presentence investigation report on a convicted veteran to include information on whether the veteran is suffering from a posttraumatic stress disorder; requiring the chief executive officers of correc-

tional facilities to provide veteran inmates suffering from posttraumatic stress disorders with appropriate medical care; amending Minnesota Statutes 1988, sections 241.06; and 609.115, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [243.251] [POSTTRAUMATIC STRESS DISORDER.]

(a) “Veteran” means a person who served in the United States armed forces in a combat zone. “Civilian medical staff” means a nurse or other person with medical training who provided medical care and assistance in a combat zone to members of the United States armed forces.

(b) When an inmate who is a veteran or served as a civilian medical staff person is confined in an adult correctional institution under the control of the commissioner of corrections, the chief executive officer shall require the director of inmate classification to determine if the inmate’s military duty or civilian medical service was unusually stressful. If the director determines that the inmate’s military duty or civilian medical service was unusually stressful, the director shall consider that fact in developing a corrections plan for the inmate.”

Delete the title and insert:

“A bill for an act relating to veterans; requiring corrections officials to consider the fact that a veteran inmate suffers from posttraumatic stress disorder in the preparation of the inmate’s corrections plan; proposing coding for new law in Minnesota Statutes, chapter 243.”

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. 780, A bill for an act relating to insurance; township mutuals; permitting the directors to choose a manager who need not be a member of the board; expanding the permissible duties of the treasurer and manager; permitting township mutual fire insurance companies to cover certain secondary property; permitting township mutual insurance companies to insure secondary property outside the companies’ territory under certain circumstances; setting forth a director’s personal liability; amending Minnesota Statutes 1988,



sections 67A.09, subdivision 1; 67A.12, subdivision 1; 67A.14, subdivisions 1 and 5; and 67A.17, subdivisions 2 and 3.

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

The report was adopted.

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

H. F. No. 848, A bill for an act relating to judicial administration; regulating the administration of the workers' compensation court of appeals; amending Minnesota Statutes 1988, sections 175A.01, subdivision 1; 175A.02; 175A.07, subdivision 4; and 176.421, subdivisions 5, 6, and by adding a subdivision.

Reported the same back with the following amendments:

Page 5, after line 9, insert:

"Sec. 8. [APPROPRIATION.]

\$200,000 is appropriated from the special compensation fund for fiscal year 1990 and \$170,000 for fiscal year 1991, to the workers' compensation court of appeals to provide additional staff and operations support to the court. The approved complement of the court is increased by five."

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 Rules and Legislative Administration.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 851, A bill for an act relating to courts; increasing certain fees collected by the court administrator; amending Minnesota Statutes 1988, sections 171.06, subdivisions 2 and 4; 357.021, subdivision 2; and 525.22.

Reported the same back with the following amendments:

Page 3, line 22, delete "\$10" and insert "\$7.50"

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. 872, A bill for an act relating to education; proposing a fifth year incentive plan for teachers in the Duluth school district.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [NEGOTIATED INCENTIVE PLAN; PARTICIPATION IN RETIREMENT FUND.]

A teacher employed by independent school district No. 709, Duluth, who voluntarily participates in an incentive plan negotiated by the school board and the exclusive representative of the teachers permitting 80 percent payment of salary over a five-year period, during which the teacher works four years and is on leave the fifth year, may receive service credit in the Duluth teachers retirement fund association for the entire five-year period of the incentive plan if the teacher and the employing board make employer and employee contributions for the period based on the annual salary the teacher would have received if teaching in the district during the period without the salary reduction to 80 percent.

Delete the title and insert:

"A bill for an act relating to education; proposing a fifth-year incentive plan for teachers in the Duluth school district."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1040, A bill for an act relating to agriculture; allowing nuisance free, pollution free, aesthetic burial of solid waste on agricultural land by a person engaged in farming; requiring solid

waste management plans to describe methods for using leaves and other such waste for mixing into the soil; requiring the waste management board to encourage development of markets for solid waste suitable for land application and to provide technical assistance to political subdivisions on use of waste stream solid waste; requiring the pollution control agency to notify the commissioner of agriculture and hold public hearings on rules affecting farming operations; amending Minnesota Statutes 1988, sections 14.115, subdivision 1; 115A.46, subdivision 2; 115A.48, subdivisions 1, 2, and by adding a subdivision; and 116.07, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 2, line 2, delete "and" and insert a comma and after "88.17," insert "and 88.22"

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. 1121, A bill for an act relating to animals; regulating using animals for certain purposes; providing a penalty; amending Minnesota Statutes 1988, sections 343.33; and 343.34.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 343.33, is amended to read:

343.33 [SALE AND USE AS PRIZES ADVERTISING DEVICES.]

Subdivision 1. [CHICKS, DUCKLINGS, GOSLINGS.] Chicks, ducklings, and goslings younger than four weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in quantity of fewer than 12 birds to an individual person unless sold by a person, firm, partnership, or corporation engaged in the business of selling chicks, ducklings, and goslings for agricultural or wildlife purposes.

Subd. 2. [USE AS PRIZES OR INDUCEMENTS.] A carnival, street show, street fair, sideshow, circus, or similar enterprise may not give away any live animal as:

(1) a prize for, or as an inducement to enter, any contest, game, or other competition;

(2) an inducement to enter a place of amusement; or

(3) an inducement to enter into any business agreement if the offer of the animal is for the purpose of attracting trade."

Delete the title and insert:

"A bill for an act relating to animals; regulating using animals for certain purposes; providing a penalty; amending Minnesota Statutes 1988, section 343.33."

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. 1158, A bill for an act relating to courts; providing for a study by the supreme court of racial bias in the judicial system; establishing a panel to investigate racism by judges and evaluate mechanisms for criticizing judges; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SUPREME COURT STUDY OF RACIAL BIAS IN THE JUDICIAL SYSTEM.]

Subdivision 1. [STUDY.] The supreme court shall study racial bias in the judicial system in Minnesota. The court shall appoint an advisory task force to assist with the study.

Subd. 2. [CONTENTS.] The study must examine the extent to which racial bias exists in the judicial system, including the existence of discriminatory treatment of litigants, witnesses, jurors, judges, attorneys, and court personnel who are members of racial minorities. The study should:

(1) identify positions within the judicial system including, but not limited to, judges, judicial clerks, court reporters, judicial administrators and their staff, county attorneys, public defenders and their staff, and identify minority representation or underrepresentation in the positions;

(2) review sentencing patterns to see if the length or conditions of sentences vary based on the defendant's race;

(3) review the jury selection process, including grand juries, to determine the representation or underrepresentation of minority populations on juries and determine if the use of peremptory strikes varies based on the juror's race; and

(4) review other aspects of court operations as appropriate to identify patterns of different and unequal treatment of racial minority persons.

The task force shall report its findings and recommendations to the legislature by January 1, 1993. In the interim the task force may report findings as parts of the study are completed.

Sec. 2. [APPROPRIATION.]

§ ..... is appropriated from the general fund to the supreme court to carry out the study under section 1."

Delete the title and insert:

"A bill for an act relating to courts; providing for a study by the supreme court of racial bias in the judicial 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.

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

H. F. No. 1272, A bill for an act relating to human services; expanding the work readiness program; removing time limits on work readiness assistance; requiring participation in work readiness activities as a condition of receiving assistance; establishing notice and appeal requirements; establishing residency requirements; amending Minnesota Statutes 1988, sections 256D.01, subdivisions 1, 1a, 1b, and 1c; 256D.02, subdivisions 1, 4, and by adding a subdivision; 256D.03, subdivision 2; 256D.05, subdivision 1, and by adding a subdivision; 256D.051, subdivisions 1, 2, 3, 6, 8, 13, and by adding subdivisions; 256D.052, subdivisions 1, 2, 3, and 4; 256D.101; 2456D.111, subdivision 5; and 256G.03, subdivision 1; repealing Minnesota Statutes 1988, section 256D.052, subdivisions 5, 6, and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 256D.01, subdivision 1, is amended to read:

Subdivision 1. [POLICY.] The objectives of sections 256D.01 to 256D.21 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal money for public assistance purposes; and to provide an integrated public assistance program for all persons in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health; and to provide work readiness services to help employable and potentially employable persons prepare for and attain self-sufficiency and obtain permanent work.

It is declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law and who meet the eligibility requirements of sections 256D.01 to 256D.21 are entitled to receive grants of general assistance necessary to maintain a subsistence reasonably compatible with decency and health. Providing this assistance is a matter of public concern and a necessity in promoting the public health and welfare.

Sec. 2. Minnesota Statutes 1988, section 256D.01, subdivision 1a, is amended to read:

Subd. 1a. [STANDARDS.] (1) (a) A principal objective in providing general assistance is to provide for persons ineligible for federal programs who are unable to provide for themselves. The minimum standard of assistance determines the total amount of the general assistance grant without separate standards for shelter, utilities, or other needs.

(2) (b) The commissioner shall set the standard of assistance for an assistance unit consisting of an adult recipient who is childless and unmarried or living apart from children and spouse and who does not live with a parent or parents or a legal custodian. When the other standards specified in this subdivision increase, this standard shall must also be increased by the same percentage.

(3) (c) For an assistance unit consisting of a single adult who lives with a parent or parents, the general assistance standard of assistance ~~shall be equal to~~ is the amount that the aid to families with dependent children standard of assistance would increase if the recipient were added as an additional minor child to an assistance unit consisting of the recipient's parent and all of that parent's family members, provided except that the standard shall may not exceed the standard for a general assistance recipient living alone.

Benefits received by a responsible relative of the assistance unit under the supplemental security income program, a workers' compensation program, the Minnesota supplemental aid program, or any other program based on the responsible relative's disability, and any benefits received by a responsible relative of the assistance unit under the social security retirement program, shall may not be counted in the determination of eligibility or benefit level for the assistance unit. Except as provided below, the assistance unit is ineligible for general assistance if the available resources or the countable income of the assistance unit and the parent or parents with whom the assistance unit lives are such that a family consisting of the assistance unit's parent or parents, the parent or parents' other family members and the assistance unit as the only or additional minor child would be financially ineligible for general assistance. For the purposes of calculating the countable income of the assistance unit's parent or parents, use the calculation methods, income deductions, exclusions, and disregards used when calculating the countable income for a single adult or childless couple must be used.

(4) (d) For an assistance unit consisting of a childless couple, the standards of assistance shall be equal to are the same as the first and second adult standards of the aid to families with dependent children program. If one member of the couple is not included in the general assistance grant, then the standard of assistance for the other shall be equal to is the second adult standard of the aid to families with dependent children program; except that, when one member of the couple is not included in the general assistance grant because that member is not categorically eligible for general assistance under section 256D.05, subdivision 1, and has exhausted work readiness eligibility under section 256D.051, subdivision 4 or 5, for the period of time covered by the general assistance grant, then the standard of assistance for the remaining member of the couple shall be equal to the first adult standard of the aid to families with dependent children program.

(5) (e) For an assistance unit consisting of all members of a family, the standards of assistance shall be are the same as the standards of assistance applicable that apply to a family under the aid to families with dependent children program if that family had the same number of parents and children as the assistance unit under general assistance and if all members of that family were eligible for the aid to families with dependent children program. If one or more members of the family are not included in the assistance unit for general assistance, the standards of assistance for the remaining members shall be equal to are the same as the standards of assistance applicable that apply to an assistance unit composed of the entire family, less the standards of assistance applicable to for a family of the same number of parents and children as those members of the family who are not in the assistance unit for general assistance. Notwithstanding the foregoing However, if an assistance unit

consists solely of the minor children because their parent or parents have been sanctioned from receiving benefits from the aid to families with dependent children program, the standard for the assistance unit shall be equal to is the same as the special child standard of the aid to families with dependent children program. A child shall may not be excluded from the assistance unit unless income intended for its benefit is received from a federally aided categorical assistance program or supplemental security income. The income of a child who is excluded from the assistance unit shall may not be counted in the determination of eligibility or benefit level for the assistance unit.

Sec. 3. Minnesota Statutes 1988, section 256D.01, subdivision 1b, is amended to read:

Subd. 1b. [RULES.] The commissioner may adopt emergency rules and shall adopt permanent rules to set standards of assistance and methods of calculating payment to conform with subdivision 1a this section. The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. Except for payments made to a secure crisis shelter under section 256D.05, subdivision 3, monthly general assistance payments for rates negotiated by a local agency on behalf of recipients living in a room and board, boarding care, supervised living, or adult foster care arrangement must not exceed the limits established under the Minnesota supplemental aid program. In order to maximize the use of federal funds, the commissioner shall adopt rules, to the extent permitted by federal law for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require use of the emergency program under aid to families with dependent children as the primary financial resource when available. The commissioner shall provide by rule for eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient.

Sec. 4. Minnesota Statutes 1988, section 256D.01, subdivision 1c, is amended to read:

Subd. 1c. [GENERAL ASSISTANCE PAYMENTS TO FACILITIES.] (a) The commissioner shall make authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. Except for payments made to a secure crisis shelter under section 256D.05, subdivision 3, monthly general assistance payments for rates negotiated by a local agency on behalf of recipients living in a room and board, boarding care, supervised living, or adult foster care arrangement may not exceed the limits established under the Minnesota supplemental aid program. No payments under subdivision 1b this paragraph may be made to



facilities a facility licensed after August 1, 1987, which have that has more than four residents with a diagnosis of mental illness except for facilities unless the facility is specifically licensed to serve persons with mental illness. The commissioner of health shall monitor newly-licensed facilities and shall report to the commissioner of human services facilities that are not in compliance with this section.

(b) In order to maximize the use of federal funds, the commissioner shall adopt rules, to the extent permitted by federal law, for eligibility for the emergency assistance program under aid to families with dependent children, and under the terms of sections 256D.01 to 256D.21 for general assistance, to require use of the emergency program under aid to families with dependent children as the primary financial resource when available.

(c) The commissioner shall adopt rules for eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient.

(d) General assistance payments may not be made for foster care, child welfare services, or other social services.

(e) Vendor payments and vouchers may be issued only as authorized in sections 256D.05, subdivision 6, and 256D.09.

Sec. 5. Minnesota Statutes 1988, section 256D.02, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] For purposes of sections 256D.01 to 256D.21, the terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.

Sec. 6. Minnesota Statutes 1988, section 256D.02, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE.] "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States. General assistance shall not include payments for foster care, child welfare services, or other social services. Vendor payments and vouchers may be issued only as provided for in section 256D.09.

Sec. 7. Minnesota Statutes 1988, section 256D.03, subdivision 2, is amended to read:

Subd. 2. For the period from January 1 to June 30, state aid shall

be paid to local agencies for 75 percent of all general assistance and work readiness grants up to the standards of sections 256D.01, subdivision 1a, and 256D.051, and according to procedures established by the commissioner, except as provided for under section 256.017. Subsequent to July 1 of each year, the state agency shall reimburse the county agency for the funds expended during the January 1 to June 30 period, except as provided for in section 256.017.

For the period from July 1 to December 31, state aid shall be paid to local agencies for 100 percent of all general assistance and work readiness grants up to the standards of sections 256D.01, subdivision 1a, and 256D.051, and according to procedures established by the commissioner, except as provided for under section 256.017 and except that, after December 31, 1988, state aid is reduced to 65 percent of all ~~general assistance grants~~ work readiness assistance if the local agency does not make occupational or vocational literacy training available and accessible to recipients who are eligible for assistance under section ~~256D.05, subdivision 1, paragraph (a), clause (15)~~ 256D.051.

After December 31, 1988, state aid must be paid to local agencies for 65 percent of work readiness assistance paid under section 256D.051 if the county does not have an approved and operating community investment program.

Any local agency may, from its own resources, make payments of general assistance and work readiness assistance: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or, (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, or 256D.051 but for whom the aid would further the purposes established in the general assistance or work readiness program in accordance with rules promulgated adopted by the commissioner pursuant to the administrative procedure act.

Sec. 8. Minnesota Statutes 1988, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) Each person or family whose income and resources are less than the standard of assistance established by the commissioner shall be eligible for and entitled to general assistance if the person or family is:

(1) a person who is suffering from a medically certified permanent or temporary illness, injury, or incapacity which is medically certified expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the medically certified

illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

(4) a person who resides in a shelter facility described in subdivision 3;

(5) a person who is or may be eligible for displaced homemaker services, programs, or assistance under section 268.96, but only if that person is enrolled as a full-time student;

(6) a person who is unable to secure suitable employment due to inability to communicate in the English language, provided that the person is not an illegal alien, and who, if assigned to a language skills program by the local agency, is participating in that program;

(7) a person not described in clause (1) or (3) who is diagnosed by a licensed physician or, licensed consulting psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment;

(8) (6) a person who has an application pending for the social security disability program or the program of supplemental security income for the aged, blind, and disabled, provided that within 60 days of the initial denial of the application by the social security administration, the person produces medical evidence in support of his or her application; or a person who has been terminated from either program and has an appeal from that termination pending. A person whose benefits are terminated for failure to produce any medical evidence within 60 days of the denial of the application, is eligible as soon as medical evidence in support of the application for the social security disability program or the program of supplemental security income for the aged, blind, and disabled is produced. Except for a person whose application is based in whole or in part on mental illness or chemical dependency, a person whose application for either program is denied and who does not pursue an appeal is eligible under this paragraph based on a new application only if the new application concerns a different disability or alleges new or aggravated symptoms of the original disability;

(9) (7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(10) a person completing a secondary education program;

(11) a family with one or more minor children; provided that, if all the children are six years of age or older, all the adult members of the family register for and cooperate in the work readiness program under section 256D.051; and provided further that, if one or more of the children are under the age of six and if the family contains more than one adult member, all the adult members except one adult member register for and cooperate in the work readiness program under section 256D.051. The adult members required to register for and cooperate with the work readiness program are not eligible for financial assistance under section 256D.051, except as provided in section 256D.051, subdivision 6, and shall be included in the general assistance grant. If an adult member fails to cooperate with requirements of section 256D.051, the local agency shall not take that member's needs into account in making the grant determination. The time limits of section 256D.051, subdivisions 4 and 5, do not apply to people eligible under this clause;

(12) a person who has substantial barriers to employment, including but not limited to factors relating to work or training history, as determined by the local agency in accordance with permanent or emergency rules adopted by the commissioner after consultation with the commissioner of jobs and training;

(13) a person who is certified by the commissioner of jobs and training before August 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment, as defined in a permanent or emergency rule adopted by the commissioner of jobs and training in consultation with the commissioner;

(8) a person who has been assessed by a qualified professional or a vocational specialist as not being likely to obtain permanent employment. The assessment must consider the recipient's age, physical and mental health, education, trainability, prior work experience, and the local labor market;

(14) (9) a person who is determined by the local agency, in accordance with emergency and permanent rules adopted by the commissioner, to be learning disabled;

(15) a person who is determined by the local agency, in accordance with emergency and permanent rules adopted by the commissioner, to be functionally illiterate, provided that the person complies with literacy training requirements set by the local agency under section 256D.052. A person who is terminated for failure to comply with literacy training requirements may not reapply for assistance under this clause for 60 days. The local agency must provide an oral explanation to the person of the person's responsibilities under this clause, the penalties for failure to comply, the agency's duties under

section 256D.0505, subdivision 2, and the person's right to appeal (1) at the time an application is approved based on this clause, and (2) at the time the person is referred to literacy training; or

(16) (10) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, but only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the local agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the local agency;

(b) The following persons or families with income and resources that are less than the standard of assistance established by the commissioner are eligible for and entitled to a maximum of six months of general assistance during any consecutive 12-month period, after registering with and completing six months in a work readiness program under section 256D.051:

(1) a person who has borderline mental retardation; and

(2) a person who exhibits perceptible symptoms of mental illness as certified by a qualified professional but who is not eligible for general assistance under paragraph (a), because the mental illness interferes with the medical certification process; provided that the person cooperates with social services, treatment, or other plans developed by the local agency to address the illness.

In order to retain eligibility under this paragraph, a recipient must continue to cooperate with work and training requirements as determined by the local agency.

(11) a woman in the last trimester of pregnancy who does not qualify for aid to families with dependent children. A woman who is in the last trimester of pregnancy who is currently receiving aid to families with dependent children may be granted emergency general assistance to meet emergency needs;

(12) a person whose need for general assistance will not exceed 30 days;

(13) a person who lives more than two hours round-trip traveling time from any potential suitable employment; and

(14) a person who is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day.

Sec. 9. Minnesota Statutes 1988, section 256D.05, is amended by adding a subdivision to read:

Subd. 6. [ASSISTANCE FOR PERSONS WITHOUT A VERIFIED RESIDENCE.] (a) For applicants or recipients of general assistance, emergency general assistance, or work readiness assistance who do not have a verified residence address, the local agency may provide assistance using one or more of the following methods:

(1) the local agency may provide assistance in the form of vouchers or vendor payments and provide separate vouchers or vendor payments for food, shelter, and other needs;

(2) the local agency may divide the monthly assistance standard into weekly payments, whether in cash or by voucher or vendor payment; or, if actual need is greater than the standards of assistance established under section 256D.01, subdivision 1a, issue assistance based on actual need. Nothing in this clause prevents the local agency from issuing voucher or vendor payments for emergency general assistance in an amount less than the standards of assistance; and

(3) the local agency may determine eligibility and provide assistance on a weekly basis. Weekly assistance can be issued in cash or by voucher or vendor payment and can be determined either on the basis of actual need or by prorating the monthly assistance standard.

(b) An individual may verify a residence address by providing a driver's license; a state identification card; a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address; or other written documentation approved by the commissioner.

(c) If the local agency elects to provide assistance on a weekly basis, the agency may not provide assistance for a period during which no need is claimed by the individual. The individual must be notified, each time weekly assistance is provided, that subsequent weekly assistance will not be issued unless the individual claims need. The advance notice required under section 256D.10 does not apply to weekly assistance issued under this paragraph.

(d) The local agency may not issue assistance on a weekly basis to an applicant or recipient who has medically certified mental illness or mental retardation or a related condition, or to an assistance unit that includes minor children, unless requested by the assistance unit.

Sec. 10. Minnesota Statutes 1988, section 256D.051, subdivision 1, is amended to read:

Subdivision 1. [WORK REGISTRATION READINESS ELIGIBILITY.] A person, family, or married couple whose income and resources are less than the standard of assistance established by the commissioner, but who are not eligible to receive general assistance under section 256D.05, subdivision 1, are eligible for a the work readiness program. Upon registration, a registrant is eligible to receive assistance in an amount equal to general assistance under section 256D.05, subdivision 1, for a maximum of six months during any consecutive 12-month period, subject to subdivision 3. The local agency shall pay work readiness assistance in monthly payments beginning at the time of registration.

Sec. 11. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 1a. [WORK READINESS PAYMENTS.] Grants of work readiness shall be determined using the standards of assistance, exclusions, disregards, and procedures which are used in the general assistance program. Work readiness shall be granted in an amount that, when added to the nonexempt income actually available to the assistance unit, the total amount equals the applicable standard of assistance.

Work readiness payments must be provided to persons determined eligible for the work readiness program as provided in this subdivision except when the special payment provisions in subdivision 1b are utilized. The initial payment must be prorated to provide assistance for the period beginning with the date the completed application is received by the county agency or the date the assistance unit meets all work readiness eligibility factors, whichever is later, and ending on the final day of that month. The amount of the first payment must be determined by dividing the number of days to be covered under the payment by the number of days in the month, to determine the percentage of days in the month that are covered by the payment, and multiplying the monthly payment amount by this percentage. Subsequent payments must be paid monthly on the first day of each month.

There shall be an initial certification period which shall begin on the date the completed application is received by the county agency or the date that the assistance unit meets all work readiness eligibility factors, whichever is later, and ending on the date that mandatory registrants in the assistance unit must attend a work readiness orientation. This initial certification period may not cover a period in excess of 30 calendar days. All mandatory registrants in the assistance unit must be informed of the period of certification, the requirement to attend orientation, and that work readiness eligibility will end at the end of the certification period unless the registrants attend orientation. A registrant who fails to comply with requirements during the certification period, including attendance

at orientation, will lose work readiness eligibility without notice under section 256D.101, subdivision 1, paragraph (b).

Sec. 12. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 1b. [SPECIAL PAYMENT PROVISIONS.] A county agency may, at its option, provide work readiness payments as provided under section 256D.05, subdivision 6, during the initial certification period. The initial certification period shall cover the time from the date the completed application is received by the county agency or the date that the assistance unit meets all work readiness eligibility factors, whichever is later, and ending on the date that mandatory registrants in the assistance unit must attend a work readiness orientation. This initial certification period may not cover a period in excess of 30 calendar days. All mandatory registrants in the assistance unit must be informed of the period of certification, the requirement to attend orientation, and that work readiness eligibility will end at the end of the certification period unless the registrants attend orientation. A registrant who fails to comply with requirements during the certification period, including attendance at orientation, will lose work readiness eligibility without notice under section 256D.101, subdivision 1, paragraph (b). If all mandatory registrants attend orientation, an additional grant of work readiness assistance must be issued to cover the period beginning the day after the scheduled orientation and ending on the final day of that month. Subsequent payments of work readiness shall be governed by subdivision 1a or section 256D.05, subdivision 6. If one or more mandatory registrants from the assistance unit fail to attend the orientation, those who failed to attend orientation will be removed from the assistance unit without further notice and shall be ineligible for additional assistance. Subsequent assistance to such persons shall be dependent upon the person completing application for assistance and being determined eligible.

A local agency that utilizes the provisions in this subdivision must implement the provisions consistently for all applicants or recipients in the county. A local agency must pay emergency general assistance to a registrant whose prorated work readiness payment does not meet emergency needs. A local agency which elects to pay work readiness assistance on a prorated basis under this subdivision may not provide payments under section 256D.05, subdivision 6, for the same time period.

Sec. 13. Minnesota Statutes 1988, section 256D.051, subdivision 2, is amended to read:

Subd. 2. [LOCAL AGENCY DUTIES.] (a) The local agency shall provide to registrants under subdivision 1 a work readiness program. The work readiness program must include:



(1) orientation to the work readiness program;

(2) an individualized employability assessment and development plan in which the local agency that includes assessment of literacy, ability to communicate in the English language, eligibility for displaced homemaker services under section 268.96, educational history, and that estimates the length of time it will take the registrant to obtain employment. The employability assessment and development plan must assess the registrant's assets, barriers, and strengths, and must identify steps necessary to overcome barriers to employment;

(3) referral to available accredited remedial or skills training programs designed to address registrant's barriers to employment;

~~(2)~~ (4) referral to available employment assistance programs including the Minnesota employment and economic development program;

~~(3)~~ (5) a job search program, including job seeking skills training; and

(4) (6) other activities, including public employment experience programs to the extent of available resources designed by the local agency to prepare the registrant for permanent employment.

In order to allow time for job search, the local agency ~~shall~~ may not require an individual to participate in the work readiness program for more than 32 hours a week. The local agency shall require an individual to spend at least eight hours a week in job search or other work readiness program activities.

(b) The local agency may provide a work readiness program to recipients under section 256D.05, subdivision 1, paragraph (b) and shall provide a work readiness program to recipients referred under section 256D.052, subdivision 5, paragraph (b). The local agency shall prepare an annual plan for the operation of its work readiness program. The plan must be submitted to and approved by the commissioner of jobs and training. The plan must include:

(1) a description of the services to be offered by the local agency;

(2) a plan to coordinate the activities of all public entities providing employment-related services in order to avoid duplication of effort and to provide services more efficiently;

(3) a description of the factors that will be taken into account when determining a client's employability development plan; and

(4) provisions to assure that applicants and recipients are evalu-

ated for eligibility for general assistance prior to termination from the work readiness program.

Sec. 14. Minnesota Statutes 1988, section 256D.051, subdivision 3, is amended to read:

Subd. 3. [REGISTRANT DUTIES.] In order to receive work readiness assistance, a registrant shall: (1) cooperate with the local agency in all aspects of the work readiness program and shall; (2) accept any suitable employment, including employment offered through the job training partnership act, Minnesota employment and economic development act, and other employment and training options; and (3) participate in work readiness activities assigned by the local agency. The local agency may terminate assistance to a registrant who fails to cooperate in the work readiness program, as provided in subdivision 3b. A registrant who is terminated for failure to cooperate is not eligible, for a period of two months, for any remaining or additional work readiness assistance for which the registrant would otherwise be eligible.

Sec. 15. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 3a. [PERSONS REQUIRED TO REGISTER FOR AND PARTICIPATE IN THE WORK READINESS PROGRAM.] Each person in a work readiness assistance unit who is 18 years old or older must register for and participate in the work readiness program. A child in the assistance unit who is at least 16 years old but less than 19 years old and who is not a full-time secondary school student is required to register and participate. A student who was enrolled as a full-time student during the last school term must be considered a full-time student during summers and school holidays. If an assistance unit includes children under age six and suitable child care is not available at no cost to the family, one adult member of the assistance unit is exempt from registration for and participation in the work readiness program. The local agency shall designate the adult who must register. The registrant must be the adult who is the principal wage earner, having earned the greater of the incomes, except for income received in-kind, during the 24 months immediately preceding the month of application for assistance. When there are no earnings or when earnings are identical for each parent, the applicant must designate the principal wage earner, and that designation must not be transferred after program eligibility is determined as long as assistance continues without interruption.

Sec. 16. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 3b. [WORK READINESS PARTICIPATION REQUIRE-

MENTS.] A work readiness registrant meets the work readiness participation requirements if the registrant:

(1) completes the specific tasks or assigned duties that were identified by the county agency in the notice required under section 256D.101, subdivision 1, paragraph (a); and

(2) meets the requirements in subdivisions 3 and 8.

Sec. 17. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 3c. [WORK READINESS DISQUALIFICATION PERIOD.] Mandatory registrants who fail without good cause to meet the work readiness participation requirements will be terminated and disqualified from work readiness. If the county agency determines that a registrant has failed without good cause to meet the work readiness participation requirements, the agency will notify the registrant of its determination according to section 256D.101, subdivision 1, paragraph (b). For the first time in a six-month period that the registrant has failed without good cause to comply with program requirements, the notification shall inform the registrant of the particular actions that must be taken by the registrant by a date certain to achieve compliance. Failure to take the required action by the specified date will result in termination and disqualification from work readiness. Failure to comply a second or subsequent time during a six-month period shall result in termination and disqualification without opportunity for corrective action. The first time in a six-month period that a registrant is terminated from work readiness for failure to comply with participation requirements, that person is disqualified from receiving work readiness for one month. If less than six months have passed since the end of a disqualification period and the registrant is terminated from work readiness for failure to comply with participation requirements, the person is disqualified from receiving work readiness for two months. If an assistance unit includes more than one mandatory work readiness participant and it is determined that one or more, but not all, of the mandatory participants have failed to comply with work readiness requirements, those who failed to comply shall be removed from the assistance unit for the appropriate time period, subject to the notice and appeal rights in section 256D.101. If an assistance unit includes persons who are exempt from participation in work readiness activities and all of the mandatory registrants have been terminated for failure to participate, the county agency shall remove the terminated registrants from the assistance unit after notice and an opportunity to be heard, and provide assistance to the remaining persons using vendor or protective payments.

Sec. 18. Minnesota Statutes 1988, section 256D.051, subdivision 6, is amended to read:

Subd. 6. [LOCAL AGENCY OPTIONS.] The local agency may, ~~at its option, provide~~ receive up to \$200 \$300 each year for each registrant who has completed an employment development plan for direct expenses incurred by the registrant for transportation, clothes, and tools necessary for employment. After paying direct expenses as needed by individual registrants, the local agency may use any remaining money to provide additional services as needed by any registrant including education, orientation, placement, other work experience, on-the-job training, and other appropriate activities. The local agency may also receive up to \$500 per year per client as an emergency work grant in assistance to work readiness recipients for expenses of transportation, clothing, tools, and other costs necessary to accept a bona fide offer of employment.

Sec. 19. Minnesota Statutes 1988, section 256D.051, subdivision 6a, is amended to read:

Subd. 6a. [COUNTY MATCH AND USE OF FUNDS.] ~~Each county shall provide a 25 percent match for direct participation expenses and administrative costs of providing work readiness services.~~ Funds may be used for the following direct participation expenses: transportation, clothes, tools, and other necessary work-related expenses. Funds may be used for administrative costs incurred providing the following services: employability assessments and employability development plans, employment search assistance, education, orientation, placement, on-the-job training, and other appropriate activities.

Sec. 20. Minnesota Statutes 1988, section 256D.051, subdivision 8, is amended to read:

Subd. 8. [VOLUNTARY QUIT.] A person is not eligible for work readiness payments or services if, without good cause, the person refuses a legitimate offer of suitable employment within 60 days before the date of application. A person who, without good cause, voluntarily quits suitable employment or refuses a legitimate offer of suitable employment while receiving work readiness payments or services shall be terminated from the work readiness program and disqualified for two months according to rules adopted by the commissioner.

Sec. 21. Minnesota Statutes 1988, section 256D.051, subdivision 13, is amended to read:

Subd. 13. [RIGHT TO NOTICE AND HEARING.] (a) The local agency shall provide notice and opportunity for hearings for adverse actions under this section according to ~~sections 256D.10 and section 256D.101,~~ for adverse actions based on a determination that a recipient has failed to participate in work readiness activities, or 256D.10 for all other adverse actions. A determination made under subdivision 1, that a person is not eligible for general assistance is

a denial of general assistance for purposes of notice, appeal, and hearing requirements. The local agency must notify the person that this determination will result in a limit on the number of months of assistance for which the person will be eligible requirement that the person participate in the work readiness program as a condition of receiving assistance.

Sec. 22. Minnesota Statutes 1988, section 256D.051, is amended by adding a subdivision to read:

Subd. 15. [GENERAL ASSISTANCE REQUIREMENTS APPLY.] The laws and rules that apply to general assistance also apply to the work readiness program, unless superseded by a specific inconsistent provision in this section or section 256D.101.

Sec. 23. Minnesota Statutes 1988, section 256D.052, subdivision 1, is amended to read:

Subdivision 1. [OCCUPATIONAL AND VOCATIONAL PROGRAMS.] The local agency must work with local educational institutions and job training programs in the identification, development, and utilization of occupational and vocational literacy programs for general assistance recipients work readiness registrants who are functionally illiterate. Occupational and vocational literacy programs are programs which provide literacy training to adults who lack formal education or job skills. The programs emphasize particular language and reading skills needed for successful job performance.

Sec. 24. Minnesota Statutes 1988, section 256D.052, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT AND ASSIGNMENT.] The local agency must:

(1) assess existing reading level, learning disabilities, reading potential, and vocational or occupational interests of people eligible under section 256D.05, subdivision 1, paragraph (a), clause (15) work readiness registrants who are functionally illiterate;

(2) assign suitable recipients to openings in occupational and vocational literacy programs;

(3) if no openings are available in accessible occupational or vocational literacy programs, assign suitable recipients to openings in other accessible literacy training programs; and

(4) reassign to another accessible literacy program any recipient who does not complete an assigned program and who wishes to try another program; and

(5) within the limits of funds available contract with technical institutes or other groups who have literacy instructors trained in occupational literacy methods, to provide literacy training sessions so that county registrants eligible for literacy training will have the opportunity to attend training.

Sec. 25. Minnesota Statutes 1988, section 256D.052, subdivision 3, is amended to read:

Subd. 3. [SERVICES PROVIDED.] The local agency must provide child care and transportation to enable people to participate in literacy training under this section. The state shall reimburse local agencies for the costs of providing transportation under this section. Counties must make every effort to ensure that child care is available as needed by recipients who are pursuing literacy training.

Sec. 26. Minnesota Statutes 1988, section 256D.052, subdivision 4, is amended to read:

Subd. 4. [PAYMENT OF GENERAL ASSISTANCE WORK READINESS.] The local agency must provide assistance under section 256D.05, subdivision 1, paragraph (a), clause (15) 256D.051 to people persons who:

(1) participate in a literacy program assigned under subdivision 2. To "participate" means to attend regular classes, complete assignments, and make progress toward literacy goals; or

(2) ~~despite participation for a period of six months or more, fail to progress in assigned literacy programs;~~

(3) are not assigned to literacy training because there is no program available or accessible to them; or

(4) ~~have failed for good cause to complete an assigned literacy program.~~

Work readiness payments may be terminated for persons who fail to attend the orientation and participate in the assessment and development of the employment development plan.

Sec. 27. Minnesota Statutes 1988, section 256D.101, is amended to read:

256D.101 [FAILURE TO COMPLY WITH WORK REQUIREMENTS; NOTICE.]

Subdivision 1. [DISQUALIFICATION NOTICE REQUIREMENTS.] (a) At the time a registrant is registered for the work

readiness program, and at least every 30 days after that, the local agency shall provide, in advance, a clear, written description of the specific tasks and assigned duties the registrant must complete to receive work readiness pay. The notice must explain that the registrant will be terminated from the work readiness program unless the registrant has completed the specific tasks and assigned duties. The notice must inform the registrant that if the registrant fails without good cause to comply with work readiness requirements more than once every six months, the registrant will be terminated from the work readiness program and disqualified from receiving assistance for one month if it is the registrant's first disqualification within the preceding six months, or for two months if the registrant has been previously disqualified within the preceding six months.

(b) If the local agency determines that a registrant has failed to comply with the work readiness requirements of section 256D-051, the local agency shall notify the registrant of the determination. Notice must be hand delivered or mailed to the registrant within three days after the agency makes the determination but no later than the date work readiness pay was scheduled to be paid. For a recipient who has failed to provide the local agency with a mailing address, the recipient must be assigned a schedule by which a recipient is to visit the agency to pick up any notices. For a recipient without a mailing address, notices must be deemed delivered on the date of the registrant's next scheduled visit with the local agency. The notification shall be in writing and shall state the facts that support the local agency's determination. For the first two times time in a six-month period that the registrant has failed without good cause to comply with program requirements, the notification shall inform the registrant that the registrant may lose eligibility for work readiness pay and must specify the particular actions that must be taken by the registrant to achieve compliance; shall and reinstate work readiness payments. The notice must state that the recipient must take the specified actions by a date certain, which must be at least ten five working days following the date the notification is mailed or delivered to the registrant; shall must explain the ramifications of the registrant's failure to take the required actions by the specified date; and shall must advise the registrant that the registrant may request and have a conference with the local agency to discuss the notification. A registrant who fails without good cause to comply with requirements of the program more than two times once in a six-month period must be notified of termination.

Subd. 2. [NOTICE OF GRANT REDUCTION, SUSPENSION, OR TERMINATION.] The notice of grant reduction, suspension, or termination on the ground that a registrant has failed to comply with section 256D-051 work readiness requirements shall be mailed or hand delivered by the local agency concurrently with the notification required by subdivision 1, paragraph (b). Prior to giving the

notification, the local agency must assess the registrant's eligibility for general assistance under section 256D.05 to the extent possible using information contained in the case file, and determine that the registrant is not eligible under that section. The determination that the registrant is not eligible ~~shall~~ must be stated in the notice of ~~grant reduction, suspension, or termination.~~ The notice of termination shall indicate the applicable disqualification period.

Subd. 3. [BENEFITS AFTER NOTIFICATION.] Assistance payments otherwise due to the registrant under section 256D.051 ~~shall~~ may not be paid after the notification required in subdivision 1 has been provided to the registrant unless, before the date stated in the notification, the registrant takes the specified action necessary to achieve compliance or, within five days after the effective date stated in the notice, files an appeal of the grant reduction, suspension, or termination. If, by the required date, the registrant does take the specified action necessary to achieve compliance, both the notification required by subdivision 1 and the notice required by subdivision 2 shall be canceled and all benefits due to the registrant shall be paid promptly. If, by the required date, the registrant files an appeal of the grant reduction, suspension, or termination, benefits otherwise due to the registrant shall be continued pending the outcome of the appeal. An appeal of a proposed termination shall be brought under section 256.045, except that the timelines specified in this section shall apply, notwithstanding the requirements of section 256.045, subdivision 3. Appeals of proposed terminations from the work readiness program shall be heard within 30 days of the date that the appeal was filed.

Sec. 28. Minnesota Statutes 1988, section 256D.111, subdivision 5, is amended to read:

Subd. 5. [RULEMAKING.] The commissioner shall adopt rules and is authorized to adopt emergency rules:

(a) providing for the disqualification from the receipt of ~~general assistance or~~ work readiness assistance for a recipient who has been ~~finally~~ determined to have failed to comply with work requirements or the requirements of the work readiness program;

(b) providing for the use of vouchers or vendor payments with respect to the family of a ~~recipient described in clause (a) or section 256D.09, subdivision 4~~ disqualified recipient; and

(c) providing that at the time of the approval of an application for assistance, the local agency gives to the recipient a written notice in plain and easily understood language describing the recipient's job registration, search, and acceptance obligations, and the disqualification that will be imposed for a failure to comply with those obligations.



## Sec. 29. [MIGRANT ISSUES TASK FORCE.]

The department of human services, in coordination with the Minnesota housing finance agency, shall convene a task force to consider issues relating to public assistance and housing for migrant farm workers. The task force shall include migrant workers, representatives of communities in which migrant workers reside, employers of migrant workers, particularly agricultural employers, representatives of housing agencies, and representatives of advocacy groups. The task force shall report back to the legislature by February 1, 1990, with recommendations.

Sec. 30. Laws 1987, chapter 403, article 3, section 98, is amended to read:

## Sec. 98. [REPEALER.]

Minnesota Statutes 1986, sections 257.34, subdivision 2; and section 268.86, subdivisions 1, 3, 4, and 5, are repealed. Section 95 is repealed effective June 30, 1989 1990.

## Sec. 31. [APPROPRIATION.]

\$ . . . . . is appropriated from the general fund to the commissioner of human services, for the biennium ending June 30, 1991, to fund county literacy programs required under section 24. Available funds will be distributed to counties in proportion to the county general assistance or work readiness caseload of persons determined to be illiterate in the previous state fiscal year.

## Sec. 32. [REPEALER.]

Minnesota Statutes 1988, section 256D.052, subdivisions 5, 6, and 7, are repealed.

## Sec. 33. [REVISOR'S INSTRUCTION.]

The revisor of statutes shall renumber each section of Minnesota Statutes specified in Column A with the number set forth in Column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A  
256D.01, subdivision 1a  
256D.01, subdivision 1b  
256D.01, subdivision 1c  
256D.03, subdivision 3  
256D.03, subdivision 3a  
256D.03, subdivisions 4 to 8  
256D.511, subdivision 5

Column B  
256D.011, subdivision 1  
256D.011, subdivision 3  
256D.011, subdivision 2  
256D.031, subdivision 1  
256D.031, subdivision 2  
256D.031, subdivisions 3 to 7  
256D.101, subdivision 4

Sec. 34. [EFFECTIVE DATE.]

Sections 1 to 8, 10 to 28, 32, and 33 are effective July 1, 1990.  
Sections 9 and 30 are effective July 1, 1989."

Delete the title and insert:

"A bill for an act relating to human services; expanding the work readiness program; removing time limits on work readiness assistance; requiring participation in work readiness activities as a condition of receiving assistance; establishing notice and appeal requirements; establishing residency requirements; establishing a migrant issues task force; appropriating money; amending Minnesota Statutes 1988, sections 256D.01, subdivisions 1, 1a, 1b, and 1c; 256D.02, subdivisions 1 and 4; 256D.03, subdivision 2; 256D.05, subdivision 1, and by adding a subdivision; 256D.051, subdivisions 1, 2, 3, 6, 6a, 8, 13, and by adding subdivisions; 256D.052, subdivisions 1, 2, 3, and 4; 256D.101; 256D.111, subdivision 5; and Laws 1987, chapter 403, article 3, section 98; repealing Minnesota Statutes 1988, section 256D.052, subdivisions 5, 6, and 7."

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. 1358, A bill for an act relating to charitable gambling; permitting organizations to treat legal expenses as an allowable expense; amending Minnesota Statutes 1988, section 349.15.

Reported the same back with the following amendments:

Page 2, line 3, after "gambling" insert "except for legal fees or damages incurred in defending the organization against the board, attorney general, United States attorney, commissioner of revenue, or a county or city attorney"

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. 1387, A bill for an act relating to education; prohibiting certain punishment in schools; providing for civil liability; proposing coding for new law in Minnesota Statutes, chapter 127.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [127.45] [CORPORAL PUNISHMENT PROHIBITED.]

Subdivision 1. [DEFINITION.] For the purpose of this section, “corporal punishment” means conduct involving:

(1) hitting or spanking a person with or without an object; or

(2) unreasonable physical force that causes bodily harm or substantial emotional harm.

Subd. 2. [PROHIBITION.] An employee or agent of a public school district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.”

Delete the title and insert:

“A bill for an act relating to education; prohibiting certain punishment in schools; proposing coding for new law in Minnesota Statutes, chapter 127.”

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. 1532, A bill for an act relating to utilities; low-income energy needs; designating the department of public service as the agency responsible for coordinating energy policy for low-income Minnesotans; requiring the department to gather certain information on low-income energy programs; prescribing certain uses for oil

overcharge money; appropriating money; amending Minnesota Statutes 1988, sections 216B.241, subdivisions 1 and 2; 216C.02, subdivision 1; 216C.10; and 216C.11; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, line 26, after "providers" insert "proportionate to each provider's share of the customer's total heating energy costs"

Page 2, after line 9, insert:

"For the purpose of clause (2), the "customer's income" means the actual monthly income of the customer except for a customer who is normally employed only on a seasonal basis and whose annual income is over 135 percent of the federal poverty level, in which case the customer's income is the average monthly income of the customer computed on an annual calendar year basis."

Page 6, line 16, after the period insert paragraph coding

Page 9, after line 15, insert:

"Sec. 7. Minnesota Statutes 1988, section 268.37, is amended by adding a subdivision to read:

Subd. 2a. [BENEFITS OF WEATHERIZATION.] In the case of any grant made to an owner of a rental dwelling unit for weatherization, the commissioner shall require that (a) the benefits of weatherization assistance in connection with the dwelling unit accrue primarily to the low income family that resides in the unit; (b) the rents on the dwelling unit will not be raised because of any increase in value due solely to the weatherization assistance; and (c) no undue or excessive enhancement will occur to the value of the dwelling unit."

Renumber the remaining sections

Page 9, line 29, before the period insert "and other conservation measures including, but not limited to, furnace retrofits"

Page 10, line 18, delete "10" and insert "11"

Amend the title as follows:

Page 1, line 10, delete "and" and after "216C.11," insert "and 268.37, 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.

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

H. F. No. 1641, A bill for an act relating to employment; prohibiting termination of sales representative agreements under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [325E.34] [TERMINATION OF SALES REPRESENTATIVES.]

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

(b) “Good cause” means failure by the sales representative to substantially comply with the material and reasonable requirements imposed by the manufacturer, wholesaler, assembler, or importer, including, but not limited to:

(1) the bankruptcy or insolvency of the sales representative;

(2) assignment for the benefit of creditors or similar disposition of the assets of the sales representative’s business;

(3) voluntary abandonment of the business by the sales representative;

(4) conviction or a plea of guilty or no contest to a charge of violating any law relating to the sales representative’s business; or

(5) any act by or conduct of the sales representative which materially impairs the good will associated with the manufacturer’s, wholesaler’s, assembler’s, or importer’s trademark, trade name, service mark, logotype, or other commercial symbol.

(c) “Sales representative” is a person who is operating under a sales representative agreement with a manufacturer, wholesaler, assembler, or importer, but is not an employee of the manufacturer, wholesaler, assembler, or importer.

(d) “Sales representative agreement” means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons, whereby a person is granted the right to distribute, represent, sell, or offer for sale a manufacturer’s, wholesaler’s, assembler’s, or importer’s goods or services by use of the latter’s trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics, and in which there exists a community of interest between the parties in the marketing of the goods or services at wholesale, retail, by lease, agreement, or otherwise.

Subd. 2. [TERMINATION OF AGREEMENT.] A manufacturer, wholesaler, assembler, or importer may not terminate a sales representative agreement except for good cause. The sales representative agreement cannot be terminated unless the conditions of paragraph (a) or (b) are met.

(a) Except as provided in paragraph (b) a sales representative agreement cannot be terminated unless the representative:

(1) has been given written notice setting forth all the reasons for the termination at least 90 days in advance of termination; and

(2) fails to correct the reasons stated for termination in the notice within 60 days of receipt of the notice.

(b) A notice of termination is effective immediately upon receipt where the alleged grounds for termination are:

(1) voluntary abandonment of the relationship by the sales representative;

(2) the conviction of the sales representative of an offense directly related to the business conducted pursuant to the sales representative agreement; or

(3) failure to cure a default under the sales representative agreement which materially impairs the good will associated with the manufacturer’s, wholesaler’s, assembler’s, or importer’s trade name, trademark, service mark, logotype, or other commercial symbol after the sales representative has received written notice to cure at least 24 hours in advance thereof.

Subd. 3. [RENEWAL OF AGREEMENTS.] (a) Unless the failure to renew a sales representative agreement is for good cause, and the sales representative is given notices and has failed to correct reasons for termination as required by subdivision 2, paragraph (a) or (b), no manufacturer, wholesaler, assembler, or importer may fail to renew a sales representative agreement unless:

(1) the sales representative has been given written notice of the intention not to renew at least 180 days in advance of the expiration of the agreement; and

(2) the sales representative has been given an opportunity to operate the business over a sufficient period of time to enable the sales representative to recover the fair market value of the business as a going concern, as determined and measured from the date of the failure to renew.

(b) No manufacturer, wholesaler, assembler, or importer may refuse to renew a sales representative agreement if the refusal is for the purpose of converting the sales representative's business premises to an operation that will be owned by the manufacturer, wholesaler, assembler, or importer for its own account.

Subd. 4. [RIGHTS UPON TERMINATION.] If a sales representative is paid by commission under a sales representative agreement and the agreement is terminated, the representative is entitled to be paid for all sales made and orders to creditworthy customers made in the representative's territory prior to the date of termination of the agreement or the end of the notification period, whichever is later, regardless of whether the goods or services have actually been delivered to the purchaser. The payments of commissions are due when the goods or services are delivered.

Subd. 5. [ARBITRATION.] (a) The sole remedy for a sales representative against a manufacturer, wholesaler, assembler, or importer who has allegedly violated any provision of this section is to submit the matter to arbitration, if the manufacturer, wholesaler, assembler, or importer agrees to be bound by the arbitration. The cost of an arbitration hearing must be borne equally by both parties. The arbitration proceeding is to be governed by the uniform arbitration act, sections 572.08 to 572.30.

(b) The arbitrator may provide any of the following remedies:

(1) sustainment of the termination of the sales representative agreement;

(2) reinstatement of the sales representative agreement;

(3) payment of commissions due under subdivision 4;

(4) reasonable attorneys' fees and costs to a prevailing sales representative;

(5) reasonable attorneys' fees and costs to a prevailing manufacturer, wholesaler, assembler, or importer, if the arbitrator finds the complaint was frivolous, unreasonable, or without foundation; or

(6) the full amount of the arbitrator's fees and expenses if the arbitrator finds that the sales representative's resort to arbitration or the manufacturer's, wholesaler's, assembler's, or importer's defense in arbitration was vexatious and lacking in good faith.

(c) Notwithstanding any provision of the uniform arbitration act, the decision of any arbitration hearing under this subdivision is final and binding on the sales representative and the manufacturer, wholesaler, assembler, or importer.

(d) If the manufacturer, wholesaler, assembler, or importer does not consent to arbitration under paragraph (a), the sales representative may bring a civil action to recover any and all damages recoverable at law for a violation of this section. The court may, in its discretion, grant any equitable relief it considers appropriate.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1989, and applies to any sales representative agreements entered into or renewed on or after that date."

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. 1648, A bill for an act relating to gambling; video games of chance; prohibiting cash awards; requiring notice to the public and to employees of the consequences of participating in cash awards; prescribing a penalty; amending Minnesota Statutes 1988, sections 349.51, subdivision 2; 349.53; and 349.56; proposing coding for new law in Minnesota Statutes, chapter 349.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [349.501] [REQUIRED NOTICE.]

Subdivision 1. [TO THE PUBLIC.] An operator must prominently post in the owner's business premises a brief description of the legal consequences of awarding cash instead of game credits or replays on video games of chance in violation of section 2.

The information is prominently posted if it can be readily seen by



a player immediately before the player participates in the video game of chance.

Subd. 2. [TO EMPLOYEES.] An owner shall require all employees to sign a statement that they understand the legal consequences of awarding cash instead of game credits or replays on video games of chance located in the owner's business premises. The statement must contain a full and accurate description of those legal consequences.

Sec. 2. [349.502] [CASH AWARDS PROHIBITED.]

Subdivision 1. [MISDEMEANOR.] A person who awards or receives cash instead of game credits or replays on a video game of chance is guilty of a misdemeanor. An owner who directs an employee to violate this section is also considered to have violated this section. For purposes of this subdivision "cash" includes checks.

Subd. 2. [MANDATORY PENALTY.] Upon conviction of a person for the crime established in subdivision 1, the court shall impose a fine of \$700.

Sec. 3. Minnesota Statutes 1988, section 349.51, subdivision 2, is amended to read:

Subd. 2. [APPLICATION; REQUIREMENTS.] (a) Every application for a license must be made on a form prescribed by the department and must state the name and address of the applicant. If the applicant is a firm, partnership, or association, the application must state the name and address of each of its members. If the applicant is a corporation, the application must state the name and address of each of its officers; the date of incorporation, the address of its principle place of business, the place where the business is to be licensed and business conducted, and information concerning whether or not any officer, director, resident manager, or direct salesperson of the applicant has been convicted of a felony or convicted for a gambling offense within the past five years. The application may contain other information the department requires for licensing purposes.

(b) Every applicant for a license shall be a legal resident or be incorporated within the state of Minnesota prior to the date of application for a distributor or operator license.

(c) Every applicant shall disclose under oath to the commissioner whether or not the applicant has any financial, legal, or other interests in a licensed wholesale liquor or alcoholic beverage distributorship or video game of chance distributorship in another state.

(d) No distributor may also be a wholesale distributor of liquor or alcoholic beverages.

(e) No distributor in this state may also be a distributor in another state, unless the distributor adequately demonstrates that the distributor does not manufacture video games of chance outside of this state for use, sale, or distribution within this state.

(f) An operator who has been convicted of a violation of section 2, subdivision 1, is not eligible to obtain or hold a license under this section.

Sec. 4. Minnesota Statutes 1988, section 349.53, is amended to read:

#### 349.53 [RECORD-KEEPING DUTIES OF DISTRIBUTORS.]

A distributor shall keep at each licensed place of business complete and accurate records for that place of business, including the signed statements required by section 1, invoices of video games of chance held, purchased, manufactured, brought in or caused to be brought in from outside the state, or shipped or transported to operators in this state, and of all sales of video games of chance made. The distributor must also keep adequate records of the names, addresses, and license numbers of operators to whom video games of chance are sold. All books, records, and other papers and documents required by this section to be kept must be preserved for a period of at least one year after the date of the documents, or the date of their entries as they appear in the records, unless the department, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours, the commissioner or designated representatives may enter any place of business of a distributor without a search warrant and inspect the premises and the records required to be kept under this section, to determine whether or not all the provisions of this chapter are being fully complied with. If the commissioner or any representative is denied free access or is hindered or interfered with in making an examination, the license of the distributor at the premises is subject to revocation.

Sec. 5. Minnesota Statutes 1988, section 349.56, is amended to read:

#### 349.56 [LOCATION AGREEMENTS.]

An operator is required to have a location agreement with the owner where the game is placed for use by the public. The location agreement must show that the game is to be placed only in locations permitted by law. The location agreement must also include the notice required by section 1. The location agreements, together with

the other records of the operator, must be accessible to the commissioner and designated representatives. The operator is required to certify under oath to the department annually the name and address of the location in which each game has been placed and that the games have been placed only in locations permitted by law. Placing a game in an illegal location is grounds for suspension or revocation of the operator's license.

Sec. 6. [INDIAN COMPACTS.]

Section 2 may not be construed as prohibiting the state from entering into a tribal-state compact under the provisions of the Federal Gaming Regulatory Act, Public Law No. 100-497, as it relates to video poker or video blackjack games of chance currently operated by Indian tribes in this state.

Sec. 7. [EFFECTIVE DATE.]

Section 2 is effective August 1, 1989, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to gambling; video games of chance; prohibiting cash awards; requiring notice to the public and to employees of the consequences of participating in cash awards; prescribing a penalty; amending Minnesota Statutes 1988, sections 349.51, subdivision 2; 349.53; and 349.56; proposing coding for new law in Minnesota Statutes, chapter 349."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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.

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. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [169.041] [TOWING AUTHORIZED.]

Subdivision 1. [TOWING AUTHORITY.] For purposes of this section, “towing authority” means:

(1) with respect to towing a motor vehicle from a public street, any local authority authorized by section 169.04 to enforce the traffic laws with respect to that public street; and

(2) with respect to towing a motor vehicle from a restricted parking area that is on privately owned nonresidential land, the owner or operator of the parking area or, if the parking area is adjacent to a commercial establishment, the owner or operator of that establishment.

Subd. 2. [WAITING PERIOD.] In enforcing state and local parking and traffic laws, a towing authority may not allow or require the towing of a motor vehicle for a parking or traffic violation until four hours after issuance of the traffic ticket or citation, except as provided in this section. A towing authority may not allow or require the towing of a motor vehicle from a restricted parking area on private land until the vehicle has been in violation of the parking restriction for at least one-half hour.

Subd. 3. [TOWING ALLOWED.] A towing authority may tow a motor vehicle without regard to the four-hour waiting period if:

(1) the vehicle is parked in violation of snow emergency regulations;

(2) the vehicle is parked in a rush-hour restricted parking area between the hours of 7:00 a.m. and 9:00 a.m. or 4:15 p.m. and 6:00 p.m. on a weekday;

(3) the vehicle is blocking a driveway, alley, or fire hydrant;

(4) the vehicle is parked in a bus lane where parking is prohibited;

(5) the vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign;

(6) the vehicle is parked in a handicap transfer zone or handicapped parking space without a handicapped parking certificate or handicapped license plates;

(7) the vehicle is parked in an area that has been posted for temporary restricted parking at least 24 hours in advance;

(8) the vehicle is parked within the right-of-way of a controlled access highway or within the traveled portion of a public street when travel is allowed there;

(9) the vehicle is parked in a parking area adjacent to a residential building that is posted as restricted to parking by residents of that building;

(10) the vehicle is unlawfully parked more than one-half hour during business hours in a parking area reserved and posted for patrons of the business;

(11) a law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime and impoundment is reasonably necessary to obtain or preserve the evidence;

(12) the driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping;

(13) a law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses; or

(14) the vehicle is illegally parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles.

Subd. 4. [TOWING PROHIBITED.] Unless the vehicle is described in subdivision 3, a towing authority may not tow a motor vehicle because:

(1) the vehicle has expired registration tabs; or

(2) the vehicle is at a parking meter on which the time has expired and the vehicle has less than five outstanding, unpaid parking violation tickets.

Subd. 5. [PRIVATE PROPERTY.] This section does not restrict the authority of the owner of private residential property to authorize the towing at any time of a motor vehicle unlawfully parked on the private residential property.

Subd. 6. [DAMAGES.] The owner or driver of a motor vehicle towed in violation of this section is entitled to recover from the towing authority two times the actual damages sustained as a result of the violation. Damages recoverable under this subdivision include but are not limited to costs of recovering the vehicle, including time spent and transportation costs.

Sec. 2. Minnesota Statutes 1988, section 514.18, is amended by adding a subdivision to read:

Subd. 1a. [TOWED MOTOR VEHICLES.] A person who tows and stores a motor vehicle at the request of a law enforcement officer shall have a lien on the motor vehicle for the value of the storage and the right to retain possession of the motor vehicle until the lien is lawfully discharged."

Delete the title and insert:

"A bill for an act relating to traffic regulations; prohibiting the towing of motor vehicles for traffic violations for a period of four hours except under certain circumstances; providing a mechanic's lien for those who tow a vehicle at the direction of a law enforcement officer; amending Minnesota Statutes 1988, section 514.18, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169."

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. 1713, A bill for an act relating to rural development; providing for research and development; providing mechanisms for agriculture diversification; appropriating money; amending Laws 1985, chapter 19, section 2, subdivision 2, as amended, and section 6, subdivision 6, as amended; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 1, line 18, delete "west central,"

Page 1, lines 21 and 23, delete "flower" and insert "wildflower"

Page 2, line 2, delete "\$1,500 per acre" and insert "\$225 per acre per year"

Page 2, line 4, before the period insert "over an expected average development period of five years"

Page 2, line 5, delete "seven" and insert "eight"

Page 2, lines 5 and 6, delete "in native grass and wildflower seed valued"

Page 2, line 6, after "percent" insert "per annum"

Page 2, line 14, after the period insert "The panel shall be chaired by the commissioner or the commissioner's designee."

Page 2, line 23, delete "flowers" and insert "wildflowers"

Page 3, line 5, delete everything after "seed"

Page 3, line 6, delete everything before the period and insert "produced is intended to be used to fulfill state agency needs for seeds and the purchase shall be arranged on a contract basis with state agencies in each biennium that the program's seed is available"

Page 3, line 8, delete "given" and insert "made"

Page 3, line 34, delete "\$ ....." and insert "\$100,000"

Page 4, after line 5, insert:

"The complement of the department of agriculture is increased by one position."

Page 4, line 7, delete "\$ ....." and insert "\$200,000"

Page 4, lines 9 and 10, delete ", to expand assistance to" and insert ". The commissioner must use the appropriation to assist"

Page 4, after line 13, insert:

"The complement of the department of agriculture is increased by two positions."

Page 4, line 15, delete "\$ ....." and insert "\$100,000"

Page 4, after line 18, insert:

“Subd. 4. [TECHNICAL INFORMATION ON NATIVE SEED PRODUCTION.] \$ . . . . . is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, for development of technical information on native seed development.”

Renumber the remaining subdivisions in sequence

Page 4, line 19, delete “\$ . . . . .” and insert “\$70,000”

Page 4, line 23, delete “\$ . . . . .” and insert “\$50,000”

Page 4, line 34, delete “\$ . . . . .” and insert “\$30,000”

Page 5, line 2, delete “\$ . . . . .” and insert “\$200,000”

Page 5, line 5, delete everything after “organization”

Page 5, delete line 6

Page 5, line 7, delete “food products” and insert “to continue the certification program for organically grown seeds, products, and food as authorized in Minnesota Statutes, section 31.95”

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. 1715, A bill for an act relating to education; requiring teachers to report unfair discriminatory practices by other teachers; providing that commission of an unfair discriminatory practice or failure to report may be grounds for discharge or demotion; amending Minnesota Statutes 1988, sections 125.12, subdivision 8; and 125.17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 125.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 125.12, subdivision 8, is amended to read:



Subd. 8. [IMMEDIATE DISCHARGE.] A school board may discharge a continuing-contract teacher, effective immediately, upon any of the following grounds:

- (a) Immoral conduct, insubordination, or conviction of a felony;
- (b) Conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties;
- (c) Failure without justifiable cause to teach without first securing the written release of the school board;
- (d) Gross inefficiency which the teacher has failed to correct after reasonable written notice;
- (e) Willful neglect of duty; or
- (f) Continuing physical or mental disability subsequent to a 12 months leave of absence and inability to qualify for reinstatement in accordance with subdivision 7.

For purposes of this subdivision, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

Prior to discharging a teacher the board shall notify the teacher in writing and state its ground for the proposed discharge in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing before the board and it shall be granted before final action is taken. The board may, however, suspend a teacher with pay pending the conclusion of such hearing and determination of the issues raised therein after charges have been filed which constitute ground for discharge.

Sec. 2. Minnesota Statutes 1988, section 125.17, subdivision 4, is amended to read:

Subd. 4. [GROUNDS FOR DISCHARGE OR DEMOTION.] Causes for the discharge or demotion of a teacher either during or after the probationary period shall be:

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) Failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) Inefficiency in teaching or in the management of a school;

(4) Affliction with active tuberculosis or other communicable disease shall be considered as cause for removal or suspension while the teacher is suffering from such disability; or

(5) Discontinuance of position or lack of pupils.

For purposes of this subdivision, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5."

Delete the title and insert:

"A bill for an act relating to education; providing that discrimination against a pupil by a teacher may be grounds for discharge or demotion; amending Minnesota Statutes 1988, sections 125.12, subdivision 8; and 125.17, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

S. F. No. 184, A bill for an act relating to charitable organizations; regulating charitable solicitations and professional fund raisers; excluding certain religious organizations from registration; requiring a bond for professional fund raisers who have access to contributions; modifying disclosure requirements; authorizing the district court to redress violations of law; amending Minnesota Statutes 1988, sections 309.515, subdivision 2; 309.531, subdivision 2; 309.556; and 309.57, subdivision 1.

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:

Senate Concurrent Resolution No. 7, A senate concurrent resolution commending retiring University of Minnesota Regents: the Honorable Wally Hilke, the Honorable David M. Lebedoff, the Honorable Charles F. McGuigan, and the Honorable Wenda W. Moore.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 30, 186, 187, 260, 357, 759, 780, 872, 1040, 1121, 1358, 1387, 1641, 1648, 1697 and 1715 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 184 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, G., for the Committee on Appropriations, introduced:

H. F. No. 1747, A bill for an act relating to public administration; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; amending Minnesota Statutes 1988, sections 121.93, subdivisions 2, 3, and 4; 126.56, subdivision 5; 135A.05; 135A.06, subdivision 3; 136.31, subdivisions 3 and 5; 136A.02; 136A.04; 136A.05; 136A.08; 136A.095; 136A.101; 136A.121; 136A.131; 136A.132; 136A.134, subdivision 4; 136A.15, subdivisions 1, 7, and by adding a subdivision; 136A.16; 136A.162; 136A.17, subdivision 1; 136A.1701, subdivisions 1, 2, and 5; 136A.172; 136A.173, subdivision 1; 136A.174; 136A.175, subdivision 4; 136A.176; 136A.177; 136A.178; 136A.179; 136A.233; 136A.26, subdivision 1a; 136A.29, subdivision 9; 136A.69; 136C.04, subdivisions 2, 6, 9, 10, and 18; 136C.042, subdivision 2; 136C.05, by adding subdivisions; 136C.07, subdivision 4; 136C.075; 136C.08, subdivision 1; 136C.15; 136C.31, by adding a subdivision; 136C.36; 136C.43, subdivision 1; 169.44, subdivision 18; 275.125, subdivision 14a; 354.094, subdivisions 1a and 1b; 354A.091, subdivision 1a; and 355.46, subdivision 3; Laws 1988, chapter 703, article 1, section 23; proposing coding for new law in Minnesota Statutes, chapter 136A; repealing Minnesota Statutes 1988, sections 121.936, subdivision 1a; 136A.042; 136A.09; 136A.101, subdivision 6; 136A.111; 136A.121, subdivisions 1, 4, and

15; 136A.14; 136A.141; 136A.142; 136A.225; 136A.51; 136A.52; 136A.53; 136A.55; 136C.07, subdivisions 1, 2, 3 and 6; 136C.21; 136C.211; 136C.212; 136C.213; 136C.22; 136C.221; 136C.222; 136C.223; 136C.25; 136C.26, subdivisions 1, 3, 4, 5, 6, 7, and 9; 136C.27, subdivision 2; 136C.28, subdivisions 1 and 2; 136C.29; 136C.33, subdivisions 1 and 2; 136C.42; 136C.43, subdivisions 1, 2, and 3; 256H.07; and 256H.13.

The bill was read for the first time and laid over one day.

Scheid, Osthoff, Steensma and Abrams introduced:

H. F. No. 1748, A bill for an act relating to ethics in government; prescribing standards of conduct for state and local officials; expanding the financial disclosure requirements for state officials; imposing disclosure requirements on local officials; changing the reporting requirements for lobbyists; amending Minnesota Statutes 1988, sections 10A.01, subdivision 11, and by adding subdivisions; 10A.02, subdivisions 1, 3, and by adding subdivisions; 10A.04, subdivisions 4 and 5; 10A.06; 10A.07; and 10A.09, subdivisions 1, 2, 5, 7, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1988, section 10A.02, subdivisions 11, 11a, and 12.

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

Wenzel, Trimble, McDonald, Hasskamp and Pelowski introduced:

H. F. No. 1749, A bill for an act relating to retirement; teachers retirement association; setting age 62 as the normal retirement age; providing for actuarial reductions for early retirement; changing the retirement formula and adopting a rule of 90; amending Minnesota Statutes 1988, sections 354.44, subdivisions 6 and 7; 354.46, subdivision 1; 354.48, subdivisions 3 and 10; 354.49, subdivision 3; and 354.55, subdivision 11.

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

#### HOUSE ADVISORIES

The following House Advisory was introduced:

Reding introduced:

H. A. No. 9, A proposal to study the organization and consolidation of counties.

The advisory was referred to the Committee on Local Government and Metropolitan Affairs.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 501, A bill for an act relating to education; vocational technical; allowing purchase of real property by independent school district No. 347.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Welle moved that the House concur in the Senate amendments to H. F. No. 501 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 501, A bill for an act relating to education; vocational technical; allowing purchase of real property by independent school district No. 347.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

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

Those who voted in the affirmative were:

Abrams	Carlson, L.	Girard	Jefferson	Limmer
Anderson, G.	Carruthers	Greenfield	Jennings	Long
Battaglia	Clark	Gruenes	Johnson, A.	Lynch
Bauerly	Conway	Gutknecht	Johnson, R.	Macklin
Beard	Cooper	Hartle	Johnson, V.	Marsh
Begich	Dauner	Hasskamp	Kalis	McDonald
Bennett	Dawkins	Haukoos	Kelso	McEachern
Bertram	Dempsey	Heap	Kinkel	McGuire
Blatz	Dille	Henry	Knickerbocker	McLaughlin
Boo	Dorn	Hugoson	Kostohryz	McPherson
Brown	Forsythe	Jacobs	Krueger	Milbert
Burger	Frederick	Janezich	Lasley	Morrison
Carlson, D.	Frerichs	Jaros	Lieder	Munger

Murphy	Ostrom	Rest	Skoglund	Wagenius
Nelson, C.	Otis	Rice	Solberg	Waltman
Nelson, K.	Ozment	Richter	Sparby	Weaver
Neuenschwander	Pappas	Rodosovich	Stanisus	Welle
O'Connor	Pauly	Rukavina	Steensma	Wenzel
Ogren	Pellow	Runbeck	Sviggum	Williams
Olsen, S.	Pelowski	Sarna	Tjornhom	Winter
Olson, E.	Peterson	Schafer	Tompkins	Wynia
Olson, K.	Price	Scheid	Trimble	Spk. Vanasek
Omann	Pugh	Schreiber	Tunheim	
Onnen	Quinn	Seaberg	Uphus	
Orenstein	Redalen	Segal	Valento	
Osthoff	Reding	Simoneau	Vellenga	

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

Mr. Speaker:

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

H. F. No. 46, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; providing for deficiencies in and supplementing appropriations for the expenses of state government; authorizing issuance of state bonds; providing for the maximum effort school loan program and the cooperative secondary facilities grant program; clarifying the definition of mental health service provider and providing for a fee for the providers; clarifying requirements of manufactured home parks in certain cases; reducing certain bond sales authorizations; distributing the proceeds of certain litigation; increasing authorizations for certain state transportation bonds; increasing the allocation for bridges to political subdivisions; providing for certain adjustment grants; approving a capital loan; appropriating money; amending Minnesota Statutes 1988, sections 116.18, subdivision 3d; 124.477; 124.493, subdivision 1; 124.494, subdivisions 1, 2, and 4; 124.495; 129B.72, subdivision 2, and by adding a subdivision; 129B.73, subdivision 4, and by adding a subdivision; 148B.40, subdivision 3; 148B.42, by adding a subdivision; 327.20, subdivision 1; and Laws 1979, chapter 280, sections 1 and 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 129B; repealing Laws 1987, chapter 400, section 59, as amended; and Laws 1988, chapter 686, article 1, section 37, subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

Anderson, G., moved that the House refuse to concur in the Senate amendments to H. F. No. 46, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests

that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 104:

S. F. No. 104, A bill for an act relating to agriculture; making changes in the rural finance authority loan program; amending Minnesota Statutes 1988, sections 41B.02, subdivisions 12, 15, and 18; 41B.03, subdivision 3, and by adding a subdivision; 41B.039, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 1988, sections 41B.03, subdivision 4; and 41B.039, subdivisions 3, 4, and 5.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Beckman, Berg and Vickerman.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Winter moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 104. 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 Thursday, April 27, 1989:

H. F. Nos. 925, 700, 333, 1574, 909, 1581, 949, 647 and 729; S. F. Nos. 206 and 827; H. F. No. 1175; S. F. Nos. 123, 671 and 695; and H. F. Nos. 1506, 1131, 1150 and 950.

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

**SPECIAL ORDERS**

H. F. No. 925 was reported to the House.

Long moved that H. F. No. 925 be returned to General Orders. The motion prevailed.

The Speaker called Quinn to the Chair.

H. F. No. 700 was reported to the House.

Marsh moved to amend H. F. No. 700, the first engrossment, as follows:

Page 1, line 18, delete "BIAS" and insert "PREJUDICE"

Page 1, line 19, delete everything after "of" and insert "prejudice against the victim"

Page 1, delete lines 20 and 21

Page 2, line 3, delete everything after "of" and insert "prejudice against the property owner"

Page 2, delete lines 4 and 5

Page 2, line 6, delete everything before "is"

Page 2, delete lines 29 and 30

Page 2, line 31, delete everything before "may" and insert "prejudice against the property owner"

Page 3, line 15, delete "BIAS" and insert "PREJUDICE"

Page 3, line 16, delete "the" and insert "prejudice against the property owner"

Page 3, delete line 18

Page 3, line 19, delete everything before "may"

Page 3, line 26, delete everything after "of" and insert "prejudice against the victim"



Page 3, delete line 27

Page 3, line 28, delete everything before "may"

Page 3, line 35, delete everything after "of" and insert "prejudice against the victim"

Page 3, delete line 36

Page 4, delete line 1

Page 4, line 26, delete everything after "of" and insert "prejudice against the victim"

Page 4, delete lines 27 and 28

Page 4, line 29, delete everything before "may"

Amend the title as follows:

Page 1, line 3, delete everything after "of" and insert "prejudice against the victim"

Page 1, delete lines 4 and 5

Page 1, line 6, delete everything before the semicolon

A roll call was requested and properly seconded.

The question was taken on the Marsh amendment and the roll was called. There were 59 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Bauerly	Gruenes	Limmer	Onnen	Stanius
Beard	Gutknecht	Lynch	Osthoff	Steensma
Begich	Haukoos	Macklin	Ozment	Svigum
Bennett	Heap	Marsh	Pellow	Tjornhom
Bertram	Henry	McDonald	Redalen	Tompkins
Blatz	Hugoson	McEachern	Richter	Uphus
Boo	Johnson, R.	McPherson	Runbeck	Valento
Carlson, D.	Johnson, V.	Miller	Schafer	Waltman
Dille	Kalis	Neuenschwander	Schreiber	Weaver
Frederick	Kinkel	Olsen, S.	Seaberg	Wenzel
Frichs	Knickerbocker	Olsen, E.	Solberg	Winter
Girard	Lieder	Omann	Sparby	

Those who voted in the negative were:

Abrams	Battaglia	Burger	Clark	Dawkins
Anderson, G.	Bishop	Carlson, L.	Conway	Dorn
Anderson, R.	Brown	Carruthers	Cooper	Forsythe

Greenfield	Kostohryz	Ogren	Quinn	Trimble
Hartle	Krueger	Olson, K.	Reding	Tunheim
Hasskamp	Lasley	Orenstein	Rest	Vellenga
Himle	Long	Ostrom	Rice	Wagenius
Jacobs	McGuire	Otis	Rodosovich	Welle
Janezich	McLaughlin	Pappas	Rukavina	Williams
Jaros	Morrison	Pauly	Sarna	Wynia
Jefferson	Munger	Pelowski	Scheid	Spk. Vanasek
Johnson, A.	Murphy	Peterson	Segal	
Kahn	Nelson, C.	Price	Simoneau	
Kelso	Nelson, K.	Pugh	Skoglund	

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

Bishop, Kelly, Orenstein, Forsythe, Greenfield, Seaberg and Brown moved to amend H. F. No. 700, the first engrossment, as follows:

Page 1, line 21, after "age," insert "political affiliation,"

Page 2, line 5, after "age," insert "political affiliation,"

Page 2, line 31, after "age," insert "political affiliation,"

Page 3, line 19, after "age," insert "political affiliation,"

Page 3, line 28, after "age," insert "political affiliation,"

Page 4, line 1, after "age," insert "political affiliation,"

Page 4, line 29, after "age," insert "political affiliation,"

The motion prevailed and the amendment was adopted.

Haukoos moved to amend H. F. No. 700, the first engrossment, as amended, as follows:

Page 1, line 21, after "age," insert "membership or lack of membership in a labor union,"

Page 2, line 5, after "age," insert "membership or lack of membership in a labor union,"

Page 2, line 31, after "age," insert "membership or lack of membership in a labor union,"

Page 3, line 19, after "age," insert "membership or lack of membership in a labor union,"

Page 3, line 28, after "age," insert "membership or lack of membership in a labor union,"

Page 4, line 1, after "age," insert "membership or lack of membership in a labor union,"

Page 4, line 29, after "age," insert "membership or lack of membership in a labor union,"

Amend the title as follows:

Page 1, line 5, after "age," insert "membership or lack of membership in a labor union,"

A roll call was requested and properly seconded.

The question was taken on the Haukoos amendment and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

H. F. No. 700, as amended, was read for the third time.

#### MOTION FOR RECONSIDERATION

McDonald moved that the action whereby H. F. No. 700, as

amended, was given its third reading be now reconsidered. The motion did not prevail.

H. F. No. 700, A bill for an act relating to crimes; increasing penalties for certain crimes when committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, political affiliation, membership or lack of membership in a labor union, or national origin; increasing penalties for using the mail or making telephone calls and falsely impersonating another for the purpose of harassing, abusing, or threatening another person; amending Minnesota Statutes 1988, sections 609.2231, by adding a subdivision; 609.595, subdivisions 2, 3, and by adding a subdivision; 609.605, by adding a subdivision; 609.746, by adding a subdivision; 609.79, by adding a subdivision; and 609.795.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Kahn	Olson, K.	Sarna
Anderson, G.	Forsythe	Kelso	Orenstein	Scheid
Anderson, R.	Frederick	Kostohryz	Ostrom	Schreiber
Battaglia	Girard	Krueger	Otis	Seaberg
Begich	Greenfield	Lasley	Ozment	Segal
Bennett	Gruenes	Lieder	Pappas	Simoneau
Bishop	Hartle	Long	Pauly	Skoglund
Boo	Hasskamp	Macklin	Pellow	Stanius
Brown	Haukoos	Marsh	Pelowski	Trimble
Burger	Heap	McGuire	Peterson	Tunheim
Carlson, D.	Himle	McLaughlin	Price	Uphus
Carlson, L.	Hugoson	Morrison	Pugh	Vellenga
Carruthers	Jacobs	Munger	Quinn	Wagenius
Clark	Janezich	Murphy	Redalen	Weaver
Conway	Jaros	Nelson, C.	Reding	Welle
Cooper	Jefferson	Nelson, K.	Rest	Williams
Dauner	Jennings	O'Connor	Rice	Winter
Dawkins	Johnson, A.	Ogren	Rukavina	Wynia
Dille	Johnson, V.	Olsen, S.	Runbeck	Spk. Vanasek

Those who voted in the negative were:

Bauerly	Kalis	McPherson	Richter	Tjornhom
Beard	Kinkel	Miller	Rodosevich	Tompkins
Bertram	Knickerbocker	Neuenschwander	Schafer	Valento
Blatz	Limmer	Olson, E.	Solberg	Waltman
Frerichs	Lynch	Omam	Sparby	Wenzel
Gutknecht	McDonald	Onnen	Steensma	
Henry	McEachern	Osthoff	Sviggum	

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

H. F. No. 333 was reported to the House.

Begich moved to amend H. F. No. 333, the second engrossment, as follows:

Page 7, line 16, after "vehicle" delete the remainder of the line

Page 7, line 17, delete "centimeters in size"

The motion prevailed and the amendment was adopted.

Begich moved to amend H. F. No. 333, the second engrossment, as amended, as follows:

Page 13, after line 21, insert:

"Sec. 22. Minnesota Statutes 1988, section 466.03, is amended by adding a subdivision to read:

Subd. 16. Any claim against a county, arising from the operation of an all-terrain vehicle on land administered by a county under chapter 280, 281, or 282."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "regarding" insert "county administered lands,"

Page 1, line 13, delete "and"

Page 1, line 14, after "7" insert "; and 466.03, by adding a subdivision"

Begich moved that H. F. No. 333, as amended, be temporarily laid over on Special Orders. The motion prevailed.

H. F. No. 1574 was reported to the House.

Bishop moved to amend H. F. No. 1574, the first engrossment, as follows:

Page 3, line 15, delete "four" and insert "three"

Page 8, line 10, delete "four" and insert "three"

A roll call was requested and properly seconded.

The question was taken on the Bishop amendment and the roll was called. There were 40 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abrams	Ferichs	Johnson, V.	Ozment	Seaberg
Bennett	Girard	Lynch	Pauly	Stanius
Bishop	Gruenes	Macklin	Pellow	Sviggum
Blatz	Gutknecht	McDonald	Redalen	Tjornhom
Boo	Haukoos	McPherson	Richter	Tompkins
Burger	Henry	Miller	Runbeck	Valento
Carlson, D.	Himle	Omann	Schafer	Waltman
Dille	Hugoson	Onnen	Schreiber	Weaver

Those who voted in the negative were:

Anderson, G.	Hasskamp	Limmer	Olson, K.	Sarna
Anderson, R.	Heap	Long	Orenstein	Scheid
Battaglia	Jacobs	Marsh	Osthoff	Segal
Bauerly	Janezich	McEachern	Ostrom	Simoneau
Beard	Jaros	McGuire	Otis	Skoglund
Begich	Jennings	McLaughlin	Pappas	Solberg
Bertram	Johnson, A.	Milbert	Pelowski	Sparby
Brown	Johnson, R.	Morrison	Peterson	Steensma
Carlson, L.	Kahn	Munger	Poppenhagen	Trimble
Carruthers	Kalis	Murphy	Price	Tunheim
Clark	Kelso	Nelson, C.	Pugh	Uphus
Conway	Kinkel	Nelson, K.	Quinn	Vellenga
Cooper	Knickerbocker	Neuenschwander	Reding	Wagenus
Dauner	Kostohryz	O'Connor	Rest	Welle
Dorn	Krueger	Ogren	Rice	Winter
Greenfield	Lasley	Olsen, S.	Rodosovich	Wynia
Hartle	Lieder	Olson, E.	Rukavina	Spk. Vanasek

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

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 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.

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 111 yeas and 19 nays as follows:

## Those who voted in the affirmative were:

Anderson, G.	Hartle	Lieder	Omann	Scheid
Anderson, R.	Hasskamp	Limmer	Onnen	Schreiber
Battaglia	Haukoos	Long	Orenstein	Seaberg
Bauerly	Heap	Lynch	Osthoff	Segal
Beard	Henry	Macklin	Ostrom	Simoneau
Begich	Hugoson	Marsh	Otis	Skoglund
Bennett	Jacobs	McEachern	Ozment	Solberg
Bertram	Janezich	McGuire	Pappas	Sparby
Brown	Jaros	McLaughlin	Pellow	Stanis
Burger	Jefferson	McPherson	Pelowski	Steenma
Carlson, D.	Jennings	Milbert	Peterson	Tjornhom
Carlson, L.	Johnson, A.	Morrison	Poppenhagen	Trimble
Carruthers	Johnson, R.	Munger	Price	Tunheim
Clark	Johnson, V.	Murphy	Pugh	Uphus
Conway	Kahn	Nelson, C.	Quinn	Vellenga
Cooper	Kalis	Nelson, K.	Reding	Wagenius
Dauner	Kelso	Neuenschwander	Rest	Waltman
Dorn	Kinkel	O'Connor	Rice	Welle
Forsythe	Knickerbocker	Ogren	Rodosovich	Wenzel
Frederick	Kostohryz	Olsen, S.	Rukavina	Williams
Greenfield	Krueger	Olson, E.	Rumbeck	Winter
Gruenes	Lasley	Olson, K.	Sarna	Wynia
				Spk. Vanasek

## Those who voted in the negative were:

Abrams	Dille	Himle	Redalen	Tompkins
Bishop	Frerichs	McDonald	Richter	Valento
Blatz	Girard	Miller	Schafer	Weaver
Boo	Gutknecht	Pauly	Sviggum	

The bill was passed and its title agreed to.

Hugoson, Marsh and Schafer were excused for the remainder of today's session.

H. F. No. 333, as amended, which was temporarily laid over earlier today was again reported to the House.

Begich withdrew his amendment to H. F. No. 333, the second engrossment, as amended, which he offered earlier today.

Begich moved to amend H. F. No. 333, the second engrossment, as amended, as follows:

Page 13, after line 21, insert:

"Sec. 22. Minnesota Statutes 1988, section 466.03, is amended by adding a subdivision to read:

Subd. 16. Any claim against a county, arising from the operation of an all-terrain vehicle on land administered by a county under chapter 280, 281, or 282, except that the county is liable for conduct

that would entitle a trespasser to damages against a private person."

Remember the sections in sequence

Amend the title as follows:

Page 1, line 4, after "regarding" insert "county administered lands,"

Page 1, line 13, delete "and"

Page 1, line 14, after "7" insert "; and 466.03, by adding a subdivision"

The motion prevailed and the amendment was adopted.

H. F. No. 333, A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; setting fees; revising liability provisions regarding county administered lands, recreational areas and the Minnesota zoological garden; 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; 169.02, subdivision 1; and 171.03; repealing Minnesota Statutes 1988, sections 84.922, subdivision 8; 84.925, subdivision 2; 84.928, subdivision 7; and 466.03, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Carruthers	Hasskamp	Kinkel	Morrison
Anderson, G.	Clark	Haukoos	Knickerbocker	Munger
Anderson, R.	Conway	Heap	Kostohryz	Murphy
Battaglia	Cooper	Henry	Krueger	Nelson, C.
Bauerly	Dauner	Himle	Lasley	Nelson, K.
Beard	Dawkins	Jacobs	Lieder	Neuenschwander
Begich	Dille	Janezich	Limmer	O'Connor
Bennett	Dorn	Jaros	Long	Olsen, S.
Bertram	Forsythe	Jefferson	Macklin	Olson, E.
Bishop	Frederick	Jennings	McDonald	Olson, K.
Blatz	Frerichs	Johnson, A.	McEachern	Omann
Boo	Girard	Johnson, R.	McGuire	Onnen
Brown	Greenfield	Johnson, V.	McLaughlin	Orenstein
Burger	Gruenes	Kahn	McPherson	Osthoff
Carlson, D.	Gutknecht	Kalis	Milbert	Ostrom
Carlson, L.	Hartle	Kelso	Miller	Otis



Ozment	Quinn	Sarna	Steensma	Weaver
Pappas	Redalen	Scheid	Sviggum	Welle
Pauly	Reding	Schreiber	Tjornhom	Wenzel
Pellow	Rest	Seaberg	Tompkins	Williams
Pelowski	Rice	Segal	Trimble	Winter
Peterson	Richter	Simoneau	Tunheim	Wynia
Poppenhagen	Rodosovich	Solberg	Uphus	Spk. Vanasek
Price	Rukavina	Sparby	Valento	
Pugh	Runbeck	Stanius	Waltman	

Those who voted in the negative were:

Vellenga      Wagenius

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

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.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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.

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

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

Those who voted in the affirmative were:

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	McDonald	Pauly	Stanisus
Bertram	Heap	McEachern	Pellow	Steensma
Blatz	Henry	McGuire	Pelowski	Sviggum
Boo	Himle	McPherson	Peterson	Tjornhom
Brown	Jacobs	Milbert	Poppenhagen	Tompkins
Burger	Janezich	Miller	Price	Trimble
Carlson, D.	Jaros	Morrison	Pugh	Tunheim
Carlson, L.	Jefferson	Munger	Quinn	Uphus
Carruthers	Jennings	Murphy	Redalen	Valento
Clark	Johnson, A.	Nelson, C.	Reding	Vellenga
Conway	Johnson, R.	Nelson, K.	Rest	Wagenius
Cooper	Johnson, V.	Neuenschwander	Rice	Waltman
Dauner	Kahn	O'Connor	Richter	Weaver
Dawkins	Kalis	Ogren	Rodosovich	Welle
Dille	Kelso	Olsen, S.	Rukavina	Wenzel
Dorn	Kinkel	Olson, E.	Runbeck	Williams
Forsythe	Knickerbocker	Olson, K.	Sarna	Winter
Frederick	Kostohryz	Omann	Scheid	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 949, A bill for an act relating to traffic safety; increasing penalties for persons convicted of DWI after a previous conviction for criminal vehicular operation or for another impaired driving crime; amending Minnesota Statutes 1988, section 169.121, 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 110 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bennett	Blatz	Brown
Battaglia	Begich	Bishop	Boo	Burger

Carlson, D.	Heap	McDonald	Otis	Solberg
Carlson, L.	Henry	McGuire	Ozment	Sparby
Carruthers	Himle	McLaughlin	Pappas	Stanius
Clark	Jacobs	McPherson	Pauly	Steensma
Conway	Jaros	Milbert	Pellow	Sviggum
Cooper	Jefferson	Miller	Pelowski	Tjornhom
Dauner	Johnson, A.	Morrison	Peterson	Tompkins
Dawkins	Johnson, R.	Munger	Poppenhagen	Trimble
Dille	Johnson, V.	Nelson, C.	Price	Tunheim
Dorn	Kahn	Nelson, K.	Pugh	Valento
Forsythe	Kalis	O'Connor	Rest	Vellenga
Frederick	Knickerbocker	Ogren	Richter	Wagenius
Frerichs	Kostohryz	Olsen, S.	Rodosovich	Waltman
Girard	Krueger	Olson, E.	Rukavina	Weaver
Greenfield	Lasley	Olson, K.	Runbeck	Welle
Gruenes	Lieder	Omann	Sarna	Wenzel
Gutknecht	Limmer	Onnen	Schreiber	Williams
Hartle	Long	Orenstein	Seaberg	Winter
Hasskamp	Lynch	Osthoff	Segal	Wynia
Haukoos	Macklin	Ostrom	Skoglund	Spk. Vanasek

Those who voted in the negative were:

Anderson, G.	Bertram	Kelso	Redalen	Uphus
Anderson, R.	Janezich	Kinkel	Rice	
Beard	Jennings	Quinn	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 647, A bill for an act relating to crimes; prohibiting the intentional distribution of destructive computer programs; imposing penalties; amending Minnesota Statutes 1988, sections 609.87, by adding a subdivision; and 609.88, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Heap	Krueger	Nelson, C.
Anderson, G.	Conway	Henry	Lasley	Nelson, K.
Anderson, R.	Cooper	Himle	Lieder	Neuenschwander
Battaglia	Dauner	Jacobs	Limmer	Ogren
Bauerly	Dawkins	Janezich	Long	Olsen, S.
Beard	Dille	Jaros	Lynch	Olson, E.
Begich	Dorn	Jefferson	Macklin	Olson, K.
Bennett	Forsythe	Jennings	McDonald	Omann
Bertram	Frederick	Johnson, A.	McEachern	Onnen
Bishop	Frerichs	Johnson, R.	McGuire	Orenstein
Blatz	Girard	Johnson, V.	McLaughlin	Osthoff
Boo	Greenfield	Kahn	McPherson	Ostrom
Brown	Gruenes	Kalis	Milbert	Otis
Burger	Gutknecht	Kelso	Miller	Ozment
Carlson, D.	Hartle	Kinkel	Morrison	Pappas
Carlson, L.	Hasskamp	Knickerbocker	Munger	Pauly
Carruthers	Haukoos	Kostohryz	Murphy	Pellow

Pelowski	Rice	Segal	Tjornhom	Waltman
Peterson	Richter	Simoneau	Tompkins	Weaver
Poppenhagen	Rodosovich	Skoglund	Trimble	Welle
Price	Rukavina	Solberg	Tunheim	Wenzel
Pugh	Runbeck	Sparby	Uphus	Williams
Quinn	Sarna	Stanius	Valento	Winter
Redalen	Scheid	Steensma	Vellenga	Wynia
Rest	Seaberg	Sviggum	Wagenius	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 729, A bill for an act relating to marriage dissolution; requiring courts to consider the existence of domestic abuse in determining whether to award joint custody; providing for the appointment of visitation expeditors to resolve ongoing visitation disputes; providing for visitation by persons who have resided with a child; providing that either parent may request visitation rights on behalf of the child; requiring the court to restrict or modify visitation under certain circumstances; permitting agreements about modification of maintenance; amending Minnesota Statutes 1988, sections 257.022, by adding a subdivision; 518.17, subdivision 2; 518.175, subdivisions 1 and 5; 518.552, by adding a subdivision; and 518.58, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 206 was reported to the House.

Sviggum, Jennings, Dauner, Girard and Lynch moved to amend S. F. No. 206, the unofficial engrossment, as follows:

Page 2, after line 20, insert:

“Sec. 2. [14.386] [EFFECTIVE PERIOD.]

Notwithstanding any law to the contrary, a rule adopted by an agency after the effective date of this section has the force and effect of law only until the end of the first regular legislative session after the rule first becomes effective, unless a law is enacted extending the force and effect of the rule. However, if a rule first becomes effective within 30 calendar days before the adjournment of a regular legislative session, the rule may remain in force and effect until the end of the next regular legislative session. This section does not extend the force and effect of a rule that would otherwise expire before the periods specified in this section.”

Renumber subsequent sections

Correct internal cross-references

Amend the title as follows:

Page 1, line 6, delete “chapter 3” and insert “chapters 3 and 14”

A roll call was requested and properly seconded.

The question was taken on the Sviggum et al amendment and the roll was called. There were 77 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abrams	Dille	Jennings	Miller	Poppenhagen
Anderson, R.	Forsythe	Johnson, R.	Morrison	Redalen
Bauerly	Frederick	Johnson, V.	Neuenschwander	Richter
Beard	Frerichs	Kelso	O'Connor	Runbeck
Bennett	Girard	Kinkel	Ogren	Sarna
Bertram	Gutknecht	Knickerbocker	Olsen, S.	Schreiber
Bishop	Hartle	Limmer	Olson, E.	Seaberg
Blatz	Hasskamp	Lynch	Olson, K.	Solberg
Boo	Haukoos	Macklin	Omann	Sparby
Burger	Heap	McDonald	Onnen	Stanius
Carlson, D.	Henry	McEachern	Osthoff	Steensma
Carlson, L.	Himle	McGuire	Ozment	Sviggum
Cooper	Jacobs	McPherson	Pauly	Tjornhom
Dauner	Janezich	Milbert	Pellow	Tompkins

Tunheim	Valento	Weaver	Winter
Uphus	Waltman	Wenzel	

Those who voted in the negative were:

Anderson, G.	Gruenes	McLaughlin	Peterson	Segal
Battaglia	Jefferson	Munger	Price	Simoneau
Begich	Johnson, A.	Murphy	Pugh	Skoglund
Brown	Kahn	Nelson, C.	Quinn	Trimble
Carruthers	Kalis	Nelson, K.	Reding	Vellenga
Clark	Kostohryz	Orenstein	Rest	Wagenius
Conway	Krueger	Ostrom	Rice	Welle
Dawkins	Lasley	Otis	Rodosovich	Williams
Dorn	Lieder	Pappas	Rukavina	Wynia
Greenfield	Long	Pelowski	Scheid	Spk. Vanasek

The motion prevailed and the amendment was adopted.

S. F. No. 206, A bill for an act relating to state government; administrative procedures; regulating exempt rules; making certain technical changes; amending Minnesota Statutes 1988, sections 14.40; and 97A.051, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1988, sections 97A.051, subdivision 3; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3; Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128.

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 124 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abrams	Forsythe	Kalis	Nelson, C.	Quinn
Anderson, G.	Frederick	Kelso	Nelson, K.	Redalen
Anderson, R.	Frerichs	Kinkel	Neuenschwander	Reding
Battaglia	Girard	Knickerbocker	O'Connor	Rest
Bauerly	Greenfield	Kostohryz	Ogren	Rice
Beard	Gruenes	Krueger	Olsen, S.	Richter
Bennett	Gutknecht	Lasley	Olson, E.	Rodosovich
Bertram	Hartle	Lieder	Olson, K.	Rukavina
Bishop	Hasskamp	Limmer	Omann	Runbeck
Blatz	Haukoos	Long	Onnen	Sarna
Boo	Heap	Lynch	Orenstein	Scheid
Brown	Henry	Macklin	Osthoff	Schreiber
Burger	Himle	McDonald	Ostrom	Seaberg
Carlson, D.	Jacobs	McEachern	Otis	Segal
Carlson, L.	Janezich	McGuire	Ozment	Simoneau
Clark	Jaros	McLaughlin	Pauly	Skoglund
Conway	Jefferson	McPherson	Pellow	Solberg
Cooper	Jennings	Milbert	Pelowski	Sparby
Dauner	Johnson, A.	Miller	Peterson	Stanius
Dawkins	Johnson, R.	Morrison	Poppenhagen	Steensma
Dille	Johnson, V.	Munger	Price	Sviggum
Dorn	Kahn	Murphy	Pugh	Tjornhom

Tompkins  
Trimble  
Tunheim

Uphus  
Valento  
Vellenga

Waltman  
Weaver  
Welle

Wenzel  
Williams  
Winter

Wynia  
Spk. Vanasek

Those who voted in the negative were:

Carruthers      Pappas              Wagenius

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

S. F. No. 827 was reported to the House.

Williams moved to amend S. F. No. 827, as follows:

Page 1, line 25, strike "expires" and insert "does not expire"

The motion prevailed and the amendment was adopted.

S. F. No. 827, A bill for an act relating to public safety; increasing membership on advisory council for the children's trust fund; amending Minnesota Statutes 1988, section 299A.23, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 126 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	McDonald	Pauly	Stanius
Bertram	Heap	McEachern	Pellow	Stensma
Bishop	Henry	McGuire	Pelowski	Sviggum
Blatz	Himle	McLaughlin	Peterson	Tjornhom
Boo	Jacobs	McPherson	Popenhagen	Tompkins
Brown	Janezich	Milbert	Price	Trimble
Burger	Jaros	Miller	Pugh	Tunheim
Carlson, D.	Jefferson	Morrison	Quinn	Uphus
Carlson, L.	Jennings	Munger	Redalen	Valento
Carruthers	Johnson, A.	Murphy	Reding	Vellenga
Clark	Johnson, R.	Nelson, C.	Rest	Wagenius
Conway	Johnson, V.	Nelson, K.	Rice	Waltman
Cooper	Kahn	O'Connor	Richter	Weaver
Dawkins	Kalis	Ogren	Rodosovich	Welle
Dille	Kelso	Olsen, S.	Rukavina	Wenzel
Dorn	Kinkel	Olson, E.	Runbeck	Williams
Forsythe	Knickerbocker	Olson, K.	Sarna	Winter
Frederick	Kostohryz	Omann	Scheid	Wynia
				Spk. Vanasek

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

Speaker pro tempore Quinn called Simoneau to the Chair.

H. F. No. 1175 was reported to the House.

Bertram moved that H. F. No. 1175 be continued on Special Orders. The motion prevailed.

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

S. F. No. 123, A bill for an act relating to state government; providing for the establishment of an audit guide task force by the state auditor; amending Minnesota Statutes 1988, section 6.65.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McEachern



The bill was passed and its title agreed to.

S. F. No. 671 was reported to the House.

There being no objection, S. F. No. 671 was temporarily laid over on Special Orders.

S. F. No. 695 was reported to the House.

McEachern moved to amend S. F. No. 695, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 125.09, is amended by adding a subdivision to read:

Subd. 1a. [MANDATORY REPORTING.] A school board shall report to the board of teaching, the state board of education, or the state board of vocational technical education, whichever has jurisdiction over the teacher's license, when its teacher is discharged or resigns from employment after a charge is filed with the school board under section 125.17, subdivisions 4, clauses (1), (2), and (3), and 5, or after charges are filed that are ground for discharge under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e), or when a teacher is suspended or resigns while an investigation is pending under section 125.12, subdivision 8, clauses (a), (b), (c), (d), and (e); 125.17, subdivisions 4, clauses (1), (2), and (3), and 5; or 626.556. The report must be made to the board within ten days after the discharge, suspension, or resignation has occurred. The board to which the report is made shall investigate the report for violation of subdivision 1 and the reporting school board shall cooperate in the investigation. Any data transmitted to any board under this section shall be private data under section 13.02, subdivision 12, notwithstanding any other classification of the data when it was in the possession of any other agency.

Sec. 2. Minnesota Statutes 1988, section 125.09, is amended by adding a subdivision to read:

Subd. 1b. [IMMUNITY FROM LIABILITY.] A school board, its members in their official capacity, and employees of the school district run by the board are immune from civil or criminal liability for reporting or cooperating as required under section 1, if their actions required under section 1 are done in good faith and with due care."

A roll call was requested and properly seconded.

The question was taken on the McEachern amendment and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker    Rukavina

The motion prevailed and the amendment was adopted.

S. F. No. 695, A bill for an act relating to education; requiring school boards to report certain teacher discharges and resignations to the board of teaching; providing for immunity from liability; amending Minnesota Statutes 1988, section 125.09, by adding subdivisions.

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 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Begich	Brown	Conway	Forsythe
Anderson, G.	Bennett	Burger	Cooper	Frederick
Anderson, R.	Bertram	Carlson, D.	Dauner	Frerichs
Battaglia	Bishop	Carlson, L.	Dawkins	Girard
Bauerly	Blatz	Carruthers	Dille	Greenfield
Beard	Boo	Clark	Dorn	Gruenes

Gutknecht	Knickerbocker	Nelson, K.	Poppenhagen	Sparby
Hartle	Kostohryz	Neuenschwander	Price	Stanius
Hasskamp	Krueger	O'Connor	Pugh	Steensma
Haukoos	Lasley	Ogren	Quinn	Sviggum
Heap	Lieder	Olsen, S.	Redalen	Tjornhom
Henry	Limmer	Olson, E.	Reding	Tompkins
Himle	Long	Olson, K.	Rest	Trimble
Jacobs	Lynch	Omann	Rice	Tunheim
Janezich	Macklin	Onnen	Richter	Uphus
Jaros	McDonald	Orenstein	Rodosovich	Valento
Jefferson	McEachern	Osthoff	Runbeck	Vellenga
Jennings	McGuire	Ostrom	Sarna	Wagenius
Johnson, A.	McLaughlin	Otis	Scheid	Waltman
Johnson, R.	McPherson	Ozment	Schreiber	Weaver
Johnson, V.	Milbert	Pappas	Seaberg	Welle
Kahn	Miller	Pauly	Segal	Wenzel
Kalis	Munger	Pellow	Simoneau	Williams
Kelso	Murphy	Pelowski	Skoglund	Winter
Kinkel	Nelson, C.	Peterson	Solberg	Wynia
				Spk. Vanasek

Those who voted in the negative were:

Rukavina

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

H. F. No. 1506, A bill for an act relating to commerce; regulating certain rentals of real property, membership camping practices, and subdivided land sales; amending Minnesota Statutes 1988, sections 82A.02, by adding a subdivision; 82A.04, subdivision 2; 82A.13, subdivision 2; 83.20, by adding a subdivision; and 83.30, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Henry	Limmer	Ogren
Anderson, G.	Conway	Himle	Long	Olsen, S.
Anderson, R.	Cooper	Jacobs	Lynch	Olson, E.
Battaglia	Dawkins	Janezich	Macklin	Olson, K.
Bauerly	Dille	Jaros	McDonald	Omann
Beard	Dorn	Jefferson	McEachern	Onnen
Begich	Forsythe	Jennings	McGuire	Orenstein
Bennett	Frederick	Johnson, A.	McLaughlin	Osthoff
Bertram	Frerichs	Johnson, V.	McPherson	Ostrom
Bishop	Girard	Kahn	Milbert	Otis
Blatz	Greenfield	Kalis	Miller	Ozment
Boo	Gruenes	Kelso	Munger	Pappas
Bröwn	Gutknecht	Kinkel	Murphy	Pauly
Burger	Hartle	Knickerbocker	Nelson, C.	Pellow
Carlson, D.	Hasskamp	Kostohryz	Nelson, K.	Pelowski
Carlson, L.	Haukoos	Krueger	Neuenschwander	Peterson
Carruthers	Heap	Lieder	O'Connor	Poppenhagen

Price	Rukavina	Skoglund	Trimble	Welle
Pugh	Runbeck	Solberg	Tunheim	Wenzel
Quinn	Sarna	Sparby	Uphus	Williams
Redalen	Scheid	Stanius	Valento	Winter
Reding	Schreiber	Steensma	Vellenga	Wynia
Rest	Seaberg	Sviggum	Wagenius	Spk. Vanasek
Richter	Segal	Tjornhom	Waltman	
Rodosovich	Simoneau	Tompkins	Weaver	

The bill was passed and its title agreed to.

H. F. No. 1131, A bill for an act relating to Olmsted county; authorizing certain appropriations for economic and agricultural development.

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 114 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Carruthers	Hasskamp	Kelso	Schreiber
Dauner	Kalis	Orenstein	Skoglund

The bill was passed and its title agreed to.

H. F. No. 1150 was reported to the House.

Pugh moved to amend H. F. No. 1150, the first engrossment, as follows:

Page 3, after line 8, insert:

"Sec. 5. Minnesota Statutes 1988, section 13.46, subdivision 8, is amended to read:

Subd. 8. [ACCESS FOR AUDITING.] To the extent required by state or federal law, representatives of federal, state, or local agencies shall have access to data maintained by public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services which is necessary to achieve the purpose of auditing. Public or private community mental health centers, mental health divisions of counties, and other providers under contract to deliver mental health services shall not permit this data to identify any particular patient or client by name or contain any other unique personal identifier, except data provided to the legislative auditor. Notwithstanding other provisions in statute or rule, and solely for the purposes of conducting an audit approved by the legislative audit commission in 1988, the legislative auditor shall be given access to all data, records, and files classified as not public. The legislative auditor shall maintain all such data collected in keeping with the provisions of chapter 13 and shall not disclose any data that identifies a patient or client by name or contains any other personal identifier."

Renumber the remaining sections

Page 8, after line 35, insert:

"Sec. 18. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 11, before "13.64" insert "13.46, subdivision 8;"

The motion prevailed and the amendment was adopted.

Blatz moved to amend H. F. No. 1150, the first engrossment, as amended, as follows:

Page 3, after line 8, insert:

"Sec. 5. Minnesota Statutes 1988, section 13.41, is amended by adding a subdivision to read:

Subd. 6. [FINANCIAL DATA ON LIQUOR LICENSE APPLICATIONS.] Financial data on individuals and private entities, including but not limited to tax returns, financial and bank statements, loan documents, and credit reports, that are contained in applications for liquor licenses submitted to political subdivisions are private data and nonpublic data."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Welle moved to amend H. F. No. 1150, the first engrossment, as amended, as follows:

Page 6, after line 23, insert:

"Sec. 14. Minnesota Statutes 1988, section 144.581, is amended by adding a subdivision to read:

Subd. 5. [CLOSED MEETINGS; RECORDING.] (a) Notwithstanding the provisions of subdivision 4 or section 471.705, a public hospital or an organization established under this section may hold a closed meeting to discuss specific marketing activity and contracts that might be entered into pursuant to the marketing activity in cases where the hospital or organization is in competition with health care providers that offer similar goods or services, and where disclosure of information pertaining to those matters would cause harm to the competitive position of the hospital or organization, provided that the goods or services do not require a tax levy. No contracts referred to in this paragraph may be entered into earlier than 15 days after the proposed contract has been described at a public meeting and the description entered in the minutes, except for contracts for consulting services or with individuals for personal services.

(b) A meeting may not be closed under paragraph (a) except by a majority vote of the board of directors in a public meeting. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded and preserved by the board of directors for two years. The data on the tape are nonpublic data under section 13.02, subdivision 9. However, the data become public data under section 13.02, subdivision 14, two years after the meeting, or when the hospital or organization takes action on matters referred to in paragraph (a) except for contracts

for consulting services. In the case of personal service contracts, the data become public when the contract is signed. For entities subject to section 471.345, a contract entered into by the board is subject to the requirements of section 471.345.

(c) The board of directors may not discuss a tax levy at a closed meeting.

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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; regulating classification of and access to certain data and meetings; 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; 13.41, by adding a subdivision; 13.46, subdivision 8; 13.64; 13.82, subdivisions 8 and 10; 16A.055, subdivision 1; 144.581, by adding a subdivision; 245.94, subdivision 1; 260.161, subdivision 3; and 340A.503, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 13.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Conway	Jaros	Macklin	Orenstein
Anderson, G.	Cooper	Jefferson	McDonald	Osthoff
Anderson, R.	Dauner	Jennings	McEachern	Ostrom
Battaglia	Dawkins	Johnson, A.	McGuire	Otis
Bauerly	Dorn	Johnson, R.	McLaughlin	Ozment
Beard	Forsythe	Johnson, V.	McPherson	Pappas
Begich	Frederick	Kahn	Milbert	Pauly
Bennett	Frerichs	Kalis	Miller	Pellow
Bertram	Girard	Kelso	Munger	Pelowski
Bishop	Greenfield	Kinkel	Murphy	Peterson
Blatz	Gutknecht	Knickerbocker	Nelson, K.	Poppenhagen
Boo	Hasskamp	Kostohryz	Neuenschwander	Pugh
Brown	Haukoos	Krueger	O'Connor	Quinn
Burger	Heap	Lasley	Ogren	Redalen
Carlson, D.	Henry	Lieder	Olsen, S.	Reding
Carlson, L.	Himle	Limmer	Olson, E.	Rest
Carruthers	Jacobs	Long	Olson, K.	Rice
Clark	Janezich	Lynch	Onnen	Richter

Rodosovich	Seaberg	Stanisus	Tunheim	Weaver
Rukavina	Segal	Steensma	Uphus	Welle
Runbeck	Simoneau	Sviggum	Valento	Williams
Sarna	Skoglund	Tjornhom	Vellenga	Winter
Scheid	Solberg	Tompkins	Wagenius	Wynia
Schreiber	Sparby	Trimble	Waltman	Spk. Vanasek

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

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

H. F. No. 950 was reported to the House.

Orenstein moved that H. F. No. 950 be continued on Special Orders. The motion prevailed.

The Speaker resumed the Chair.

S. F. No. 671 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 671, A bill for an act relating to the commission on uniform state laws; providing for its composition; amending Minnesota Statutes 1988, section 3.251.

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

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

Those who voted in the affirmative were:

Abrams	Conway	Himle	Limmer	Olsen, S.
Anderson, G.	Cooper	Jacobs	Long	Olson, E.
Anderson, R.	Dauner	Janezich	Lynch	Olson, K.
Battaglia	Dawkins	Jaros	Macklin	Omann
Bauerly	Dille	Jefferson	McDonald	Onnen
Beard	Dorn	Jennings	McEachern	Orenstein
Begich	Forsythe	Johnson, A.	McGuire	Osthoff
Bennett	Frederick	Johnson, R.	McLaughlin	Ostrom
Bertram	Frerichs	Johnson, V.	McPherson	Otis
Bishop	Girard	Kahn	Milbert	Ozment
Blatz	Greenfield	Kalis	Miller	Pappas
Boo	Gruenes	Kelso	Munger	Pauly
Brown	Gutknecht	Kinkel	Murphy	Pellow
Burger	Hartle	Knickerbocker	Nelson, C.	Pelowski
Carlson, D.	Hasskamp	Kostohryz	Nelson, K.	Peterson
Carlson, L.	Haukoos	Krueger	Neuenschwander	Poppenhagen
Carruthers	Heap	Lasley	O'Connor	Price
Clark	Henry	Lieder	Ogren	Quinn



Redalen	Sarna	Sparby	Uphus	Williams
Reding	Scheid	Stanis	Valento	Winter
Rest	Schreiber	Steensma	Vellenga	Wynia
Rice	Seaberg	Sviggum	Wagenius	Spk. Vanasek
Richter	Segal	Tjornhom	Waltman	
Rodosovich	Simoneau	Tompkins	Weaver	
Rukavina	Skoglund	Trimble	Welle	
Runbeck	Solberg	Tunheim	Wenzel	

The bill was passed and its title agreed to.

### GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued. The motion prevailed.

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

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 8, A senate concurrent resolution adopting permanent joint rules of the Senate and House of Representatives.

PATRICK E. FLAHAVEN, Secretary of the Senate

### SUSPENSION OF RULES

Wynia moved that the rules be so far suspended that Senate Concurrent Resolution No. 8 be now considered and be placed upon its adoption. The motion prevailed.

### SENATE CONCURRENT RESOLUTION NO. 8

A senate concurrent resolution adopting permanent joint rules of the Senate and House of Representatives.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring:

The Permanent Joint Rules of the Senate and House of Representatives for the 76th Legislature shall read as follows:

**JOINT RULES OF THE SENATE AND  
HOUSE OF REPRESENTATIVES**

**TABLE OF CONTENTS**

**ARTICLE I: JOINT CONVENTIONS**

- 1.01 How Governed
- 1.02 President's Duties
- 1.03 President's Right to Vote
- 1.04 Stating Questions
- 1.05 Order of Debate
- 1.06 Calling Member to Order
- 1.07 Call of the Convention
- 1.08 Elections
- 1.09 No Smoking
- 1.10 Parliamentary Procedure

**ARTICLE II: BILLS**

- 2.01 Form
- 2.02 Appropriating Money
- 2.03 Deadlines
- 2.04 Amending Bills Originating in other House
- 2.05 Receding From Position
- 2.06 Conference Committees
- 2.07 Enrollment and Signature

**ARTICLE III: GENERAL PROVISIONS**

3.01 Suspension of Joint Rules

3.02 Odd Year Session Adjournment

3.03 Interim Committee and Commission Reports

#### ARTICLE IV: ELECTION OF REGENTS

4.01 Joint Committee

4.02 Joint Convention

### ARTICLE I: JOINT CONVENTIONS

#### HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

#### PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

#### PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

#### STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

## ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

## CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

## CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

## ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes . . . . ., section . . . . .”

Bills shall refer to the session laws as follows:

“Laws . . . . ., chapter . . . . ., section . . . . .”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or

underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

#### APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the last day the Legislature can meet in regular session [Tuesday, May 2, 1989], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight five separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare,

health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for agriculture, transportation, and semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

#### DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after ~~April 10, 1987~~ April 14, 1989, and committee reports on bills originating in the other house favorably acted upon by a committee after ~~April 28, 1987~~ April 26, 1989, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 18, 1989]. After the last Friday on which the Legislature can meet in regular session [May 19, 1989], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (4) Messages from the Governor.

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

#### AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

#### RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

#### CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house.



If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public. As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and ~~amendment~~ amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

~~All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.~~

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 18, 1989], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

#### ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the

enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

### ARTICLE III: GENERAL PROVISIONS

#### SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

#### ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

#### INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation,

particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

## ARTICLE IV: ELECTION OF REGENTS

### JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education and the members of the education division of the senate committee on finance and the education division of the house committee on appropriations. A majority of the members of the committee from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat.

Voting must be by public ballot. Each member has one vote for each recommendation to be made. A majority vote of the members of the committee from each house is required for a candidate to be recommended.

### JOINT CONVENTION

Rule 4.02. At the Joint Convention of the senate and house of representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest

votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

Wynia moved that Senate Concurrent Resolution No. 8 relating to Permanent Joint Rules of the Senate and House of Representatives be now adopted.

Wynia moved to amend Senate Concurrent Resolution No. 8, as follows:

Page 11, line 19, delete "of the committee"

Page 11, delete lines 29 to 32 and insert:

"The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended."

The motion prevailed and the amendment was adopted.

Gutknecht, Lynch, Dille, Weaver, Scheid and Runbeck moved to amend Senate Concurrent Resolution No. 8, as amended, as follows:

Page 2, after line 9, insert "3.04 Fund Raisers"

Page 11, after line 9, insert:

#### "FUND-RAISERS

Rule 3.04. No member of the Senate or House of Representatives may conduct a political fund-raiser during a regular session of the legislature. This rule does not apply to a political fund-raiser conducted by a political party or a caucus of members of the Senate or House of Representatives."

A roll call was requested and properly seconded.

Wynia moved to refer the Gutknecht et al amendment to Senate Concurrent Resolution No. 8, as amended, to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

## POINT OF ORDER

Schreiber raised a point of order pursuant to section 399 of "Mason's Manual of Legislative Procedure". The Speaker ruled the point of order not well taken and the Wynia motion in order.

The question recurred on the Wynia motion and the roll was called. There were 68 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jacobs	McEachern	Otis	Solberg
Bauerly	Janezich	McGuire	Pappas	Sparby
Beard	Jaros	McLaughlin	Pelowski	Steensma
Begich	Jefferson	Munger	Peterson	Trimble
Bertram	Johnson, A.	Murphy	Price	Tunheim
Carlson, L.	Johnson, R.	Nelson, C.	Quinn	Vellenga
Carruthers	Kahn	Nelson, K.	Reding	Welle
Clark	Kalis	Neuenschwander	Rest	Wenzel
Cooper	Kelso	O'Connor	Rice	Williams
Dauner	Kinkel	Ogren	Rodosovich	Winter
Dawkins	Krueger	Olson, E.	Rukavina	Wynia
Dorn	Lasley	Olson, K.	Sarna	Spk. Vanasek
Greenfield	Lieder	Osthoff	Segal	
Hasskamp	Long	Ostrom	Simoneau	

Those who voted in the negative were:

Abrams	Forsythe	Jennings	Onnen	Seaberg
Anderson, G.	Frederick	Johnson, V.	Orenstein	Skoglund
Anderson, R.	Frerichs	Knickerbocker	Ozment	Sviggum
Bishop	Girard	Limmer	Pauly	Tjornhom
Blatz	Gruenes	Lynch	Pellow	Tompkins
Boo	Gutknecht	Macklin	Poppenhagen	Uphus
Brown	Hartle	McDonald	Redalen	Valento
Burger	Haukoos	McPherson	Richter	Wagenius
Carlson, D.	Heap	Miller	Runbeck	Waltman
Conway	Henry	Olsen, S.	Scheid	Weaver
Dille	Himle	Omann	Schreiber	

The motion prevailed and the Gutknecht et al amendment to Senate Concurrent Resolution No. 8, as amended, was referred to the Committee on Rules and Legislative Administration.

The question recurred on the Wynia motion that Senate Concurrent Resolution No. 8, as amended, relating to Permanent Joint Rules of the Senate and House of Representatives be now adopted. The motion prevailed and Senate Concurrent Resolution No. 8, as amended, and the Permanent Joint Rules of the Senate and House of Representatives were adopted by the House as follows:

JOINT RULES OF THE SENATE AND  
HOUSE OF REPRESENTATIVES

TABLE OF CONTENTS

ARTICLE I: JOINT CONVENTIONS

- 1.01 How Governed
- 1.02 President's Duties
- 1.03 President's Right to Vote
- 1.04 Stating Questions
- 1.05 Order of Debate
- 1.06 Calling Member to Order
- 1.07 Call of the Convention
- 1.08 Elections
- 1.09 No Smoking
- 1.10 Parliamentary Procedure

ARTICLE II: BILLS

- 2.01 Form
- 2.02 Appropriating Money
- 2.03 Deadlines
- 2.04 Amending Bills Originating in other House
- 2.05 Receding From Position
- 2.06 Conference Committees
- 2.07 Enrollment and Signature

## ARTICLE III: GENERAL PROVISIONS

3.01 Suspension of Joint Rules

3.02 Odd Year Session Adjournment

3.03 Interim Committee and Commission Reports

## ARTICLE IV: ELECTION OF REGENTS

4.01 Joint Committee

4.02 Joint Convention

## ARTICLE I: JOINT CONVENTIONS

## HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

## PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. He may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. He shall rise to put a question but may state it while seated.

## PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from his decisions. He shall vote last on all questions.

## STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion,

say 'No.' " If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

#### ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, he shall rise and respectfully address the President, and not speak further until recognized. He shall confine himself to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

#### CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit him to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed.

#### CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

#### ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered on the Journal of each house and communicated to the Governor by the Secretary of the Convention.



NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

“Minnesota Statutes . . . . ., section . . . . .”

Bills shall refer to the session laws as follows:

“Laws . . . . ., chapter . . . . ., section . . . . .”

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. Before a committee favorably reports upon a bill, the chairman of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or

underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee chairmen to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

#### APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least twenty calendar days prior to the last day the Legislature can meet in regular session [Tuesday, May 2, 1989], the Committee on Finance of the Senate and the Committee on Appropriations of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, eight five separate appropriation bills as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government for the succeeding two fiscal years including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering all appropriations relating to public welfare,

health and corrections for the support and maintenance of all State penal and charitable institutions, and other institutions of the State except educational for the two succeeding fiscal years;

(c) A bill appropriating money for the support and maintenance of all State educational institutions for the two succeeding fiscal years;

(d) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Appropriations Committee of the House;

(e) A bill covering all appropriations made for agriculture, transportation, and semi-state activities;

(f) A bill covering all appropriations for construction and major rehabilitation of public buildings to be financed by issuance of bonds;

(g) A bill covering all appropriations for maintenance, repair, and minor rehabilitation and construction of public buildings; and

(h) A bill covering appropriations for the department of transportation.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

#### DEADLINES

Rule 2.03. (a) In odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after April 10, 1987 April 14, 1989, and committee reports on bills originating in the other house favorably acted upon by a committee after April 28, 1987 April 26, 1989, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 18, 1989]. After the last Friday on which the Legislature can meet in regular session [May 19, 1989], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (4) Messages from the Governor.

(b) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

#### AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

#### RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house. To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

#### CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house.

If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public. As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendment amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee. If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

All Conference Committees shall be open to the public. Meetings of Conference Committees shall be announced as far in advance as practical.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 18, 1989], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

#### ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the

enrolled copy of the bill or memorial and present it to the Governor for his approval.

A bill or memorial may be prepared for presentation to the Governor on good quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it shall be identical to the bill passed by the Legislature. An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.

### ARTICLE III: GENERAL PROVISIONS

#### SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

#### ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his objections following such adjournment shall be laid on the table.

#### INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains legislative recommendations, a copy of any proposed legislation,

particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

## ARTICLE IV: ELECTION OF REGENTS

### JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education and the members of the education division of the senate committee on finance and the education division of the house committee on appropriations. A majority of the members from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat.

The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended.

### JOINT CONVENTION

Rule 4.02. At the Joint Convention of the senate and house of representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the candidate with the fewest votes must be dropped from consideration and the votes cast again

until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

## MOTIONS AND RESOLUTIONS

Trimble moved that the name of Kelly be added as an author on H. F. No. 260. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 1049. The motion prevailed.

Skoglund moved that the name of Wagenius be added as an author on H. F. No. 1286. The motion prevailed.

Pauly moved that the name of Blatz be added as an author on H. F. No. 1736. The motion prevailed.

Wynia introduced:

House Concurrent Resolution No. 2, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

## SUSPENSION OF RULES

Wynia moved that the rules be so far suspended that House Concurrent Resolution No. 2 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE CONCURRENT RESOLUTION NO. 2

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

*Be It Resolved* by the House of Representatives of the State of Minnesota, the Senate concurring:

The House of Representatives and the Senate shall meet in joint convention on Wednesday, May 3, 1989, at 12 o'clock, noon in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

Wynia moved that House Concurrent Resolution No. 2 be now



adopted. The motion prevailed and House Concurrent Resolution No. 2 was adopted.

Senate Concurrent Resolution No. 7 was reported to the House.

Wynia moved that Senate Concurrent Resolution No. 7 be now adopted.

#### SENATE CONCURRENT RESOLUTION NO. 7

A senate concurrent resolution commending retiring University of Minnesota Regents: the Honorable Wally Hilke, the Honorable David M. Lebedoff, the Honorable Charles F. McGuiggan, and the Honorable Wenda W. Moore.

*Whereas*, providing quality education on all levels to citizens of the United States of America is perhaps the most important challenge facing our country; and

*Whereas*, the University of Minnesota Board of Regents has the responsibility of ensuring that the University of Minnesota maintains its reputation as one of the finest academic institutions in the United States; and

*Whereas*, service on the Board of Regents requires a thorough understanding of both the University and the people of the State of Minnesota, a willingness to work to resolve complex problems, and a deep devotion to public service; and

*Whereas*, the present regents have served at a time of extraordinary difficulty; and

*Whereas*, four members of the University of Minnesota Board of Regents have recently announced their retirement after years of service to the University of Minnesota, its educators, staff, and students; and

*Whereas*, these retiring Regents are: the Honorable Wally Hilke, the Honorable David M. Lebedoff, the Honorable Charles F. McGuiggan, and the Honorable Wenda W. Moore; *Now, Therefore,*

*Be It Resolved* by the Senate of the State of Minnesota, the House of Representatives concurring, that the Senate and House of Representatives commend these retiring Regents for their years of dedicated service to the University of Minnesota and to quality education.

*Be It Further Resolved* that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by

his signature and those of the Chairman of the Senate Rules and Administration Committee, the Speaker of the House of Representatives, and the Chief Clerk of the House of Representatives, and present them to Wally Hilke, David M. Lebedoff, Charles F. McGuigan, and Wenda W. Moore.

The motion prevailed and Senate Concurrent Resolution No. 7 was adopted.

Schreiber moved that H. F. No. 654 be recalled from the Committee on Appropriations and be re-referred to the Committee on Education.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 49 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Omann	Seaberg
Anderson, R.	Girard	Limmer	Onnen	Sviggum
Bennett	Gruenes	Lynch	Ozment	Tjornhom
Bishop	Gutknecht	Macklin	Pauly	Tompkins
Blatz	Hartle	McDonald	Pellow	Uphus
Boo	Haukoos	McGuire	Poppenhagen	Valento
Burger	Heap	McPherson	Redalen	Waltman
Carlson, D.	Henry	Miller	Richter	Weaver
Forsythe	Himle	Olsen, S.	Runbeck	Williams
Frederick	Johnson, V.	Olsen, K.	Schreiber	

Those who voted in the negative were:

Anderson, G.	Dorn	Krueger	Orenstein	Scheid
Battaglia	Greenfield	Lasley	Osthoff	Segal
Bauerly	Hasskamp	Lieder	Ostrom	Simoneau
Beard	Jacobs	Long	Otis	Skoglund
Begich	Janezich	McEachern	Pappas	Solberg
Bertram	Jaros	McLaughlin	Pelowski	Sparby
Brown	Jefferson	Milbert	Peterson	Steensma
Carlson, L.	Jennings	Munger	Price	Trimble
Carruthers	Johnson, A.	Murphy	Quinn	Tunheim
Clark	Johnson, R.	Nelson, C.	Reding	Vellenga
Conway	Kahn	Nelson, K.	Rest	Wagenius
Cooper	Kalis	Neuenschwander	Rice	Welle
Dauner	Kelso	O'Connor	Rodosovich	Wenzel
Dawkins	Kinkel	Ogren	Rukavina	Winter
Dille	Kostohryz	Olsen, E.	Sarna	Wynia
				Spk. Vanasek

The motion did not prevail.

Schreiber, Gruenes, Frerichs and Waltman introduced:

House Resolution No. 8, A house resolution establishing the sense

of the House of Representatives to reduce workers' compensation rates by 20 percent and reducing commercial/industrial property taxes to be no greater than 3.5 percent of market value.

#### SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that House Resolution No. 8 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 56 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abrams	Dille	Henry	Miller	Runbeck
Anderson, R.	Forsythe	Himle	Olsen, S.	Schreiber
Bennett	Frederick	Johnson, V.	Omann	Seaberg
Bertram	Frerichs	Kalis	Onnen	Steensma
Bishop	Girard	Knickerbocker	Ostrom	Sviggum
Blatz	Gruenes	Limmer	Ozment	Tjornhom
Boo	Gutknecht	Lynch	Pauly	Tompkins
Burger	Hartle	Macklin	Pellow	Uphus
Carlson, D.	Hasskamp	McDonald	Poppenhagen	Valento
Conway	Haukoos	McGuire	Redalen	Waltman
Dauner	Heap	McPherson	Richter	Weaver
				Winter

Those who voted in the negative were:

Anderson, G.	Jaros	McLaughlin	Pappas	Skoglund
Battaglia	Jefferson	Milbert	Pelowski	Solberg
Beard	Jennings	Munger	Peterson	Sparby
Begich	Johnson, A.	Murphy	Price	Trimble
Brown	Johnson, R.	Nelson, C.	Quinn	Tunheim
Carlson, L.	Kahn	Nelson, K.	Reding	Vellenga
Carruthers	Kelso	Neuenschwänder	Rest	Wagenius
Clark	Kinkel	O'Connor	Rice	Welle
Cooper	Kostohryz	Ogren	Rodosovich	Wenzel
Dawkins	Krueger	Olson, E.	Rukavina	Williams
Dorn	Lasley	Olson, K.	Sarna	Wynia
Greenfield	Lieder	Orenstein	Scheid	Spk. Vanasek
Jacobs	Long	Osthoff	Segal	
Janezich	McEachern	Otis	Simoneau	

The motion did not prevail.

The resolution was referred to the Committee on Labor-Management Relations.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 46:

Anderson, G.; Anderson, R.; Carlson, L.; Dorn and Krueger.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 104:

Winter, Steensma and Dille.

#### ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, May 1, 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., Monday, May 1, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives