

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION—1989

FIFTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 18, 1989

The House of Representatives convened at 12:00 noon and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by the Reverend Randy Skow-Anderson of Bethany Lutheran Church, Bergen, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Swenson was excused.

Conway was excused until 1:10 p.m. Scheid was excused until 5:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Winter 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. 851, 150, 207, 376, 404, 417, 723, 960, 1066, 1163, 1201, 661, 624, 1532 and 1181 and S. F. Nos. 499, 748, 38, 470, 481, 530, 564 and 258 have been placed in the members' files.

S. F. No. 470 and H. F. No. 584, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Winter moved that the rules be so far suspended that S. F. No. 470 be substituted for H. F. No. 584 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 481 and H. F. No. 773, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rodosovich moved that the rules be so far suspended that S. F. No. 481 be substituted for H. F. No. 773 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 499 and H. F. No. 408, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wagenius moved that the rules be so far suspended that S. F. No. 499 be substituted for H. F. No. 408 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 564 and H. F. No. 810, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Winter moved that S. F. No. 564 be substituted for H. F. No. 810 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 530 and H. F. No. 601, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Long moved that the rules be so far suspended that S. F. No. 530 be substituted for H. F. No. 601 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 470, 481, 499, 564 and 530 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 831, A bill for an act relating to game and fish; Mom Fishing Weekend; season opening date for certain game fish; amending Minnesota Statutes 1988, sections 97A.445, by adding a subdivision; and 97C.395, subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1267, A bill for an act relating to Anoka county; permitting the appointment of the auditor, recorder, and treasurer; authorizing the reorganization of county offices.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 162, A bill for an act relating to insurance; regulating insurance information collection, use, disclosure, access, and correction practices; requiring reasons for adverse underwriting decisions; amending Minnesota Statutes 1988, section 72A.20, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 72A.

The Senate has appointed as such committee:

Messrs. Marty, Freeman and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 166, A bill for an act relating to state agencies; providing that certain information submitted to department of transportation is public data; providing for development of internal auditing standards; classifying certain internal auditing data as other than public; defining terms; providing for limousine registration; exempting certain special transportation service providers holding current certificate of compliance from motor carrier regulations; delineating requirements of carriers to display certain information; providing for permits of special passenger carriers and household goods carriers; providing for operation under motor carrier permit on death of holder; providing for amount of insurance, bond, or other security required of motor carriers; giving commissioner of transportation subpoena power for certain enforcement purposes; providing for suspension of registration of interstate authority for failure to maintain insurance; amending Minnesota Statutes 1988, sections 13.72, by adding subdivisions; 16A.055, subdivision 1; 168.011, subdivision 35; 168.128, subdivision 2; 174.30, subdivision 6; 221.011, subdivisions 16, 20, and by adding a subdivision; 221.031,

subdivision 6; 221.111; 221.121, subdivision 6a; 221.141, subdivision 1b, and by adding a subdivision; and 221.60, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13; 65B; and 221.

The Senate has appointed as such committee:

Mr. Novak; Mmes. McQuaid and Lantry.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 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.

The Senate has appointed as such committee:

Mr. Merriam, Mrs. Brataas and Mr. Frank.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

The Senate has appointed as such committee:

Messrs. Morse; Frederickson, D. J., and Johnson, D. E.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 837, A bill for an act relating to crimes; prohibiting the concealing of criminal proceeds; prohibiting racketeering; providing civil and criminal penalties for engaging in narcotics and violent offenses as part of an enterprise; authorizing the dissolution of a corporate charter, revocation of a license, and injunctive relief to prevent criminal activity by an enterprise; authorizing fines of three times the profit gained through racketeering; authorizing criminal forfeiture; amending Minnesota Statutes 1988, section 541.07; proposing coding for new law in Minnesota Statutes, chapters 541 and 609.

The Senate has appointed as such committee:

Mr. Freeman; Ms. Peterson, D. C., and Mr. Belanger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1137, A bill for an act relating to metropolitan government; regulating the borrowing authority of the regional transit board; amending Minnesota Statutes 1988, section 473.39, subdivision 1a, and by adding subdivisions.

The Senate has appointed as such committee:

Mrs. Lantry, Mr. Merriam and Ms. Olson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1160, A bill for an act relating to education; authorizing school district participation in certain energy efficiency projects; proposing coding for new law in Minnesota Statutes, chapter 124.

The Senate has appointed as such committee:

Messrs. Frederickson, D. J.; Pehler and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1764, A bill for an act relating to transportation; changing distribution of highway user taxes; authorizing use of state park road account to improve and maintain city streets and town roads that provide immediate access to state parks and campgrounds; increasing motor vehicle license tax on older vehicles; appropriating money; amending Minnesota Statutes 1988, sections 161.081; 161.082, subdivision 2a; 162.06, subdivision 5; 162.081, subdivision 1; 168.013, subdivision 1a; and 297B.09, subdivision 1.

The Senate has appointed as such committee:

Mr. Langseth; Mrs. Lantry; Messrs. Purfeerst, Metzen and DeCramer.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 796, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine and Fillmore counties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, D., moved that the House refuse to concur in the Senate amendments to H. F. No. 796, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 341, A bill for an act relating to public safety; proposing the emergency planning and community right-to-know act; requiring reports on hazardous substances and chemicals; creating an emergency response commission; providing penalties; amending Minnesota Statutes 1988, section 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

PATRICK E. FLAHAVEN, Secretary of the Senate

Trimble moved that the House refuse to concur in the Senate amendments to H. F. No. 341, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1448, A bill for an act relating to Hennepin county; permitting the issuance of obligations by the county board of Hennepin county for a public safety building; requiring reports to the legislature.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rest moved that the House concur in the Senate amendments to H. F. No. 1448 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1448, A bill for an act relating to Hennepin county; permitting the issuance of obligations by the county board of Hennepin county for a public safety building.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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. 740, A bill for an act relating to education; changing the name of technical institutes to technical colleges; amending Minne-

sota Statutes 1988, section 136C.02, subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Carlson, L., moved that the House concur in the Senate amendments to H. F. No. 740 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 740, A bill for an act relating to education; changing the name of technical institutes to technical colleges; repealing Minnesota Statutes 1988, section 136C.02, subdivision 2.

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 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kahn Spk. Vanasek

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 262, A bill for an act relating to protection of groundwater; protecting sensitive areas; promoting and requiring certain best management practices; providing financial assistance for certain groundwater protection activities; authorizing local government groundwater and resource protection programs; establishing a joint legislative committee on water; providing for determination of water research needs; developing a water education curriculum; regulating wells, borings, and underground drillings and uses; regulating water conservation, water appropriations, and setting fees; establishing regulations, enforcing violations, and establishing civil and criminal penalties for violations relating to pesticide, fertilizer, soil amendment, and plant amendment manufacture, storage, sale, use, and misuse; providing a mechanism to aid cleanup and response to incidents relating to agricultural chemicals; providing a task force relating to sustainable agriculture; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 18B.01, subdivisions 5, 12, 15, 19, 21, 26, 30, and by adding subdivisions; 18B.04; 18B.07, subdivisions 2, 3, 4, and 6; 18B.08, subdivisions 1, 3, and 4; 18B.26, subdivisions 1, 3, 5, and by adding a subdivision; 18B.31, subdivisions 3 and 5; 18B.32, subdivision 2; 18B.33, subdivisions 1, 3 and 7; 18B.34, subdivisions 1, 2 and 5; 18B.36, subdivisions 1 and 2; 18B.37, subdivisions 1, 2, 3, and 4; 40.42, by adding a subdivision; 40.43, subdivisions 2 and 6; 43A.08, subdivision 1; 105.41, subdivisions 1, 1a, 1b, 5, and by adding a subdivision; 105.418; 110B.04, subdivision 6; 115B.20; 116C.41, subdivision 1; 144.381; 144.382, subdivision 1, and by adding a subdivision; and 473.877, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 18B; 40; and 144; proposing coding for new law as Minnesota Statutes, chapters 18C; 18D; 18E; 103A; 103B; 103H; and 103I; repealing Minnesota Statutes 1988, sections 17.711 to 17.73; 18A.49; 18B.15; 18B.16; 18B.18; 18B.19; 18B.20; 18B.21; 18B.22; 18B.23; 18B.25; 84.57 to 84.621; 105.51, subdivision 3; and 156A.01 to 156A.11.

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

Messrs. Morse, Dahl, Davis, Bernhagen and Merriam.

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

Munger moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 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. 262. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 139, A bill for an act relating to liquor; increasing age for provisional driver's license to 21 years; changing provisional licenses to "under-21" licenses; prohibiting the issuance of both a Minnesota identification card and a driver's license, other than an instruction permit, to the same person; providing for fees; providing for license suspension for minors misrepresenting their age for purposes of purchasing alcoholic beverages; providing penalty for misuse of Minnesota identification card; increasing the period for suspension of a drivers license for use of a license to illegally purchase alcohol; including other forms of identification and persons who lend identification; increasing the penalty for counterfeiting a drivers license or Minnesota identification card; prohibiting lending any form of identification for use by an underage person to purchase alcohol; clarifying the application of the carding defense for illegal sales; providing for transfer of confiscated identification; amending Minnesota Statutes 1988, sections 171.02, subdivisions 1 and 3; 171.06, subdivision 2; 171.07, subdivisions 1 and 3; 171.171; 171.22; 171.27; 260.195, subdivision 3; 340A.503, subdivisions 2 and 6; and 340A.801, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Messrs. Spear, Cohen and Knaak.

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

Johnson, A., 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. 139. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 143, 491, 659, 895, 1377, 188, 1242 and 1582.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1, 462, 542, 756, 1087 and 1122.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 143, A bill for an act relating to public safety; appropriating fees charged by state patrol and capitol complex security division for escort and contracted security services; amending Minnesota Statutes 1988, section 299D.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 299D and 299E.

The bill was read for the first time.

Cooper moved that S. F. No. 143 and H. F. No. 777, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 491, A bill for an act relating to health care; creating a health care access commission; requiring a health care access study; appropriating money.

The bill was read for the first time.

Ogren moved that S. F. No. 491 and H. F. No. 150, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 659, A bill for an act relating to motor vehicles; increasing and allocating fees and motor vehicle excise tax for dealer plates; restricting use of dealer plates; amending Minnesota Statutes 1988, section 168.27, subdivision 16.

The bill was read for the first time.

Lasley moved that S. F. No. 659 and H. F. No. 633, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 895, A bill for an act relating to natural resources; amending provisions relating to the conservation reserve program; changing authority over the conservation reserve program from the commissioner of agriculture to the board of water and soil resources; defining certain terms; changing criteria for eligible land; prohibiting grazing of land under future agreements; providing conditions and payment for wetland restoration; providing for enforcement and liability for damages for violation of the terms of a conservation easement or agreement; authorizing the board to adopt rules; authorizing the commissioner of agriculture to allow town boards to suspend the duty of owners and occupants to control noxious weeds under certain conditions; withdrawing certain marginal land and wetlands from sale by the state unless restricted by a conservation easement under certain conditions; requiring certain acquisition procedures before the commissioner of natural resources accepts agricultural land or farm homesteads in fee from the federal government; authorizing aliens and non-Americans to own certain agricultural land to comply with pollution control laws or rules; amending Minnesota Statutes 1988, sections 40.42; 40.43; 40.44; 40.45; 84.95, subdivision 2; 282.018; 500.221, subdivision 2; Laws 1986, chapter 383, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 18; 40; 84; and 92.

The bill was read for the first time.

Munger moved that S. F. No. 895 and H. F. No. 960, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1377, A bill for an act relating to wild rice; clarifying requirements on packaging and labeling; requiring disclosure of origin; amending Minnesota Statutes 1988, section 30.49.

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

S. F. No. 188, A bill for an act relating to commerce; requiring mortgage lenders and mortgage brokers to obtain a license from the commissioner of commerce; requiring certain disclosures by mortgage lenders and mortgage brokers; prohibiting certain practices by mortgage lenders and mortgage brokers; appropriating money; amending Minnesota Statutes 1988, sections 82.17, subdivision 4;

and 82.18; proposing coding for new law as Minnesota Statutes, chapter 57; repealing Minnesota Statutes 1988, section 82.175.

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

S. F. No. 1242, A bill for an act relating to state government; extending the expiration date on certain advisory councils; increasing the compensation of members of administrative boards and agencies; reducing the maximum compensation of members of advisory councils; eliminating a requirement for appointment of a state employees assistance program advisory committee; amending Minnesota Statutes 1988, sections 15.0575, subdivision 3; 15.059, subdivisions 3 and 5; and 16B.39, subdivision 2; repealing Minnesota Statutes 1988, sections 84B.11, subdivision 4; 121.83; 174.031, subdivision 2; 256.73, subdivision 7; and 268.12, subdivision 6.

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

S. F. No. 1582, A bill for an act relating to public finance; providing conditions and requirements for the issuance and use of public debt; making technical corrections to provisions relating to hazardous substance sites and subdistricts; enabling Chisago, Kanabec, Isanti, Pine, and Mille Lacs counties to sell certain bonds at public or private sale; amending Minnesota Statutes 1988, sections 298.2211, subdivision 4; 469.015, subdivision 4; 469.174, subdivisions 7 and 16; 469.175, subdivision 7; 471.56, subdivision 5; 473.541, subdivision 3, and by adding a subdivision; 475.51, by adding subdivisions; 475.54, subdivision 4, and by adding a subdivision; 475.55, subdivision 6, and by adding a subdivision; 475.60, subdivisions 1, 2, and 3; 475.66, subdivision 1; and 475.79; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1988, section 474A.081, subdivision 3.

The bill was read for the first time.

Rest moved that S. F. No. 1582 and H. F. No. 1726, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1, A bill for an act relating to waste management; establishing the office of waste management; transferring to the office of waste management the powers and duties of the waste management board; amending Minnesota Statutes 1988, sections 15A.081, subdivision 1; 115A.03, by adding subdivisions; and 116C.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1988, sections

115A.03, subdivision 3; 115A.04; 115A.05; 115A.06, subdivisions 1 and 3; and 115A.11, subdivision 3.

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

S. F. No. 462, A bill for an act relating to judicial procedure; clarifying, modifying; and recodifying tax court powers and procedures; making technical corrections and eliminating redundant and unnecessary language and obsolete references; requiring releases of liens issued in error to state that the lien was erroneous; amending Minnesota Statutes 1988, sections 270.07, subdivision 1; 270.10, by adding a subdivision; 270.69, by adding a subdivision; 271.01, subdivisions 1 and 5; 271.02; 271.04; 271.06, subdivisions 1, 2, 3, and 7; 271.07; 271.13; 271.15; 271.17; 271.18; 271.21, subdivisions 2 and 10; 277.011, subdivision 7; 278.01, subdivision 1; 278.02; 278.03; 278.05, subdivision 4; 278.08, subdivision 1; 297.43, subdivision 1; and 297C.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 270; repealing Minnesota Statutes 1988, sections 60A.151; 271.01, subdivision 6; 271.061; 271.21, subdivision 4; and 271.22.

The bill was read for the first time.

Bishop moved that S. F. No. 462 and H. F. No. 515, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 542, A bill for an act relating to agriculture; changing the agricultural land preservation law; amending Minnesota Statutes 1988, sections 40A.02, subdivision 10; 40A.04, subdivision 1; 40A.10, subdivisions 1, 2, and by adding a subdivision; 40A.11, subdivision 4; 40A.122, subdivision 7; 40A.17; 473H.15, subdivision 10; and 473H.17, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 40A.

The bill was read for the first time.

Winter moved that S. F. No. 542 and H. F. No. 1023, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 756, A bill for an act relating to workers' compensation; regulating the payment of supplemental benefits for new claims; amending Minnesota Statutes 1988, section 176.132, subdivisions 1, 2, and 3.

The bill was read for the first time.

SUSPENSION OF RULES.

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sviggum moved that the rule therein be suspended and an urgency be declared so that S. F. No. 756 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Sviggum motion and the roll was called. There were 76 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Johnson, V.	Olsen, S.	Schafer
Anderson, R.	Forsythe	Kalis	Olson, E.	Schreiber
Bauerly	Frederick	Kinkel	Olson, K.	Seaberg
Bennett	Frerichs	Knickerbocker	Omann	Sparby
Bertram	Girard	Krueger	Omnen	Stanius
Bishop	Gruenes	Lieder	Ostrom	Steensma
Blatz	Gutknecht	Limmer	Ozment	Sviggum
Boo	Hartle	Lynch	Pauly	Tjornhom
Brown	Hasskamp	Macklin	Pellow	Tompkins
Burger	Haukoos	Marsh	Pelowski	Tunheim
Carlson, D.	Heap	McDonald	Poppenhagen	Uphus
Cooper	Henry	McPherson	Redalen	Valento
Dauner	Himle	Miller	Richter	Waltman
Dempsey	Hugoson	Morrison	Rodosovich	Weaver
Dille	Johnson, R.	Nelson, C.	Runbeck	Williams
				Winter

Those who voted in the negative were:

Battaglia	Jaros	McLaughlin	Pappas	Simoneau
Beard	Jefferson	Milbert	Peterson	Skoglund
Begich	Johnson, A.	Munger	Price	Solberg
Carlson, L.	Kahn	Murphy	Pugh	Trimble
Carruthers	Kelly	Nelson, K.	Quinn	Vellenga
Clark	Kostohryz	O'Connor	Reding	Wagenius
Dawkins	Lasley	Ogren	Rest	Welle
Greenfield	Long	Orenstein	Rice	Wenzel
Jacobs	McEachern	Osthoff	Rukavina	Wynia
Janezich	McGuire	Otis	Sarna	Spk. Vanasek

The motion did not prevail.

S. F. No. 756 was referred to the Committee on Labor-Management Relations.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1087, A bill for an act relating to landlord and tenant relations; providing standing for certain associations to bring an

action for tenant remedies; providing for actions against certain unoccupied buildings; amending Minnesota Statutes 1988, sections 504.23; 566.18, subdivision 7, and by adding a subdivision; 566.19; 566.20, subdivision 1; 566.25; 566.28; and 566.29, subdivisions 1, 3, and 4.

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

S. F. No. 1122, A bill for an act relating to workers' compensation; limiting the payment of temporary partial benefits under certain circumstances; amending Minnesota Statutes 1988, section 176.101, subdivision 2.

The bill was read for the first time and 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. 341:

Trimble, Lynch and Johnson, A.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 796:

Carlson, D.; Ogren and Rukavina.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 139:

Johnson, A.; Seaberg and Brown.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 262:

Munger, Price, Bishop, Redalen and Kalis.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON 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.

May 16, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 729, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 729 be further amended as follows:

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 1988, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (a) (1) the wishes of the child's parent or parents as to custody;
- (b) (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (c) (3) the child's primary caretaker;
- (d) (4) the intimacy of the relationship between each parent and the child;
- (e) (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (f) (6) the child's adjustment to home, school, and community;

(e) (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(f) (8) the permanence, as a family unit, of the existing or proposed custodial home;

(g) (9) the mental and physical health of all individuals involved;

(h) (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;

(i) (11) the child's cultural background; and

(j) (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents.

The court may not use one factor to the exclusion of all others. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child."

Page 4, line 21, before "The" insert "If a visitation dispute arises,"

Page 4, line 22, delete "after"

Page 4, line 23, delete "appointment"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "including the primary caretaker standard as a factor to be considered in custody decisions; requiring specific findings on each factor and prohibiting courts from relying exclusively on one factor in determining custody; modifying provisions dealing with the valuation of marital property;"

Page 1, line 14, delete the second "subdivision" and insert "subdivisions 1 and"

We request adoption of this report and repassage of the bill.

House Conferees: SANDY PAPPAS, RANDY C. KELLY, TERRY DEMPSEY, JEAN WAGENIUS AND KRIS HASSKAMP.

Senate Conferees: ALLAN H. SPEAR, WILLIAM P. LUTHER, RICHARD J. COHEN, LEROY A. STUMPF AND GARY W. LAIDIG.

Pappas moved that the report of the Conference Committee on H. F. No. 729 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

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

Those who voted in the affirmative were:

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

Steensma
Sviggum
Tjornhom
Tompkins

Trimble
Tunheim
Uphus
Valento

Vellenga
Wagenius
Waltman
Weaver

Welle
Wenzel
Williams
Winter

Wynia
Spk. Vanasek

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 193

A bill for an act relating to crimes; providing that an offender may not demand execution of sentence except under certain circumstances; requiring the board of pardons to meet at least twice each year; amending Minnesota Statutes 1988, sections 609.135, by adding a subdivision; and 638.04.

May 16, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 193, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 193 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 609.135, is amended by adding a subdivision to read:

Subd. 7. [DEMAND OF EXECUTION OF SENTENCE.] An offender may not demand execution of sentence in lieu of a stay of imposition or execution of sentence if the offender will serve less than nine months at the state institution. This subdivision does not apply to an offender who will be serving the sentence consecutively or concurrently with a previously imposed executed felony sentence.

Sec. 2. Minnesota Statutes 1988, section 638.04, is amended to read:

638.04 [MEETINGS.]

The board of pardons shall hold regular meetings on the second Monday in January, April, July, and October, of at least twice each year, and such other meetings as it shall deem expedient, and all

shall be held in the executive chamber in the state capitol, or at such other place as may be ordered by the board."

We request adoption of this report and repassage of the bill.

House Conferees: PHIL CARRUTHERS, RANDY C. KELLY AND KATHLEEN A. BLATZ.

Senate Conferees: DONNA C. PETERSON, ALLAN H. SPEAR AND WILLIAM V. BELANGER, JR.

Carruthers moved that the report of the Conference Committee on H. F. No. 193 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 193, A bill for an act relating to crimes; providing that an offender may not demand execution of sentence except under certain circumstances; requiring the board of pardons to meet at least twice each year; amending Minnesota Statutes 1988, sections 609.135, by adding a subdivision; and 638.04.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Tjornhom
Tompkins
Trimble
Tunheim

Uphus
Valento
Vellenga
Wagenius

Waltman
Weaver
Welle
Wenzel

Williams
Winter
Wynia
Spk. Vanasek

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 412

A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; providing for teacher performance effectiveness plans; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 125.

May 16, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 412, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 412 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 125.03, subdivision 1, is amended to read:

Subdivision 1. The term “teachers” for the purpose of licensure, means and includes any and all persons employed in a public school or education district or by an ECSU as members of the instructional and supervisory, and support staff such as including superintendents, principals, supervisors, secondary vocational and other classroom teachers, and librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

Sec. 2. Minnesota Statutes 1988, section 125.03, subdivision 4, is amended to read:

Subd. 4. "Supervisory and support personnel" for the purpose of licensure means: superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, and includes athletic coaches; counselors; school nurses; athletic coaches; and other professional employees who engage primarily in nonclassroom activities. The term does not include: librarians; school psychologists; school social workers; audio-visual directors and coordinators; recreation personnel; media generalists; media supervisors; or speech therapists.

Sec. 3. Minnesota Statutes 1988, section 125.05, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATIONS.] The authority to license teachers as defined in section 125.03, subdivision 1, is vested in the board of teaching except that the authority to license supervisory and support personnel as defined in section 125.03, subdivision 4, is vested in the state board of education. The authority to license post-secondary vocational and adult vocational teachers, support personnel, and supervisory personnel in technical institutes is vested in the state board of vocational technical education according to section 136C.04, subdivision 9. Licenses shall must be issued to such persons as the board of teaching or the state board of education finds to be competent for their respective positions. For teachers, as defined in section 125.03, subdivision 5, competency includes successful completion of an examination of skills in reading, writing, and mathematics for persons applying for initial licenses. Qualifications of teachers and other professional employees except supervisory and support personnel shall must be determined by the board of teaching under the rules it promulgates adopts. Licenses under the jurisdiction of the board of teaching shall must be issued through the licensing section of the department of education. Licenses under the jurisdiction of the state board of education shall must be issued through the licensing section of the department of education.

Sec. 4. Minnesota Statutes 1988, section 125.05, subdivision 2, is amended to read:

Subd. 2. [EXPIRATION AND RENEWAL.] Each license issued through the licensing section of the department of education shall must bear the date of issue. Licenses shall must expire and be renewed in accordance with the respective rules promulgated adopted by the board of teaching or the state board of education. Renewal Requirements for the renewal of a license shall must include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or the

completion of such additional preparation as the board of teaching shall prescribe. Requirements for ~~the~~ renewal of the licenses of supervisory ~~and support~~ personnel shall must be established by the state board of education.

Sec. 5. Minnesota Statutes 1988, section 125.05, is amended by adding a subdivision to read:

Subd. 7. [LIMIT ON FIELDS OF LICENSURE.] Unless the action of the board of teaching is approved by specific law, the board may not, after July 1, 1989:

(1) develop additional fields of licensure;

(2) divide existing fields of licensure; or

(3) extend any licensure requirements to any duties that could be performed on March 15, 1989, without a license.

The board may establish fields for provisional licensure, but shall submit each field to the legislature for approval. If approval by specific law is not obtained within one year after the provisional license is established, the board shall discontinue the field of provisional licensure.

Sec. 6. Minnesota Statutes 1988, section 125.08, is amended to read:

125.08 [TEACHERS' AND ADMINISTRATORS' LICENSES, FEES.]

Each application for the issuance, renewal, or extension of a license to teach shall must be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for the issuance, renewal, or extension of a license as supervisory ~~or support~~ personnel shall must be accompanied by a processing fee in an amount set by the state board of education by rule. The processing fee for a teacher's license shall must be paid to the executive secretary of the board of teaching. The processing fee for the licenses of supervisory ~~and support~~ personnel shall must be paid to the commissioner. The executive secretary of the board of teaching and the commissioner shall deposit the fees with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fees as set by the boards shall be are nonrefundable for applicants not qualifying for a license, provided. However, ~~that~~ a fee shall must be refunded by the state treasurer in any case in which the applicant already holds a valid unexpired license. The boards may waive or reduce fees for applicants who apply at the same time for more than one license, even if the licenses are under the jurisdiction of different boards.

Sec. 7. Minnesota Statutes 1988, section 125.183, subdivision 1, is amended to read:

Subdivision 1. ~~A The board of teaching consisting consists of 15 11 members appointed by the governor is hereby established.~~ Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. No member shall may be reappointed for more than one additional term.

Sec. 8. Minnesota Statutes 1988, section 125.183, subdivision 3, is amended to read:

Subd. 3. [MEMBERSHIP.] Except for the representatives of higher education and the public, to be eligible for appointment to the board of teaching a person must be fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board shall must be composed of one teacher whose responsibilities are those either of a librarian, psychologist, remedial reading teacher, speech therapist, or vocational teacher, three elementary school classroom teachers, three secondary:

(1) six classroom teachers;

(2) one higher education representative, ~~from a higher education who must be a~~ faculty member preparing teachers;

(3) one school administrator; and ~~six~~

(4) three members of the public, two of whom shall must be present or former members of local school boards. ~~Each nominee other than a public nominee shall be selected on the basis of professional experience, and knowledge of teacher education, accreditation and licensure.~~

Sec. 9. [TIME OF EFFECT.]

The changes in the composition of the board of teaching required by section 8 must be made as soon as possible after the effective date of section 8 as vacancies occur or terms of members expire."

Delete the title and insert:

"A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of

licensure; clarifying and changing the kinds of personnel licensed by the board of teaching, the state board of vocational technical education, and the state board of education; changing the composition of the board of teaching; placing certain limits on the board of teaching; making stylistic changes; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1, 2, and by adding a subdivision; 125.08; and 125.183, subdivisions 1 and 3."

We request adoption of this report and repassage of the bill.

House Conferees: BOB McEACHERN, KEN NELSON AND DENNIS OZMENT.

Senate Conferees: JAMES C. PEHLER, DONNA C. PETERSON AND DAVID J. FREDERICKSON.

McEachern moved that the report of the Conference Committee on H. F. No. 412 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 412, A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; providing for teacher performance effectiveness plans; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 125.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Blatz	Dawkins	Hartle	Jefferson
Anderson, G.	Boo	Dille	Hasskamp	Jennings
Anderson, R.	Brown	Dorn	Haukoos	Johnson, A.
Battaglia	Burger	Forsythe	Heap	Johnson, R.
Bauerly	Carlson, D.	Frederick	Henry	Johnson, V.
Beard	Carlson, L.	Frerichs	Himle	Kahn
Begich	Carruthers	Girard	Hugoson	Kalis
Bennett	Clark	Greenfield	Jacobs	Kelly
Bertram	Cooper	Gruenes	Janezich	Kelso
Bishop	Dauner	Gutknecht	Jaros	Kinkel

Knickerbocker	Miller	Ostrom	Richter	Tjornhom
Kostohryz	Morrison	Otis	Rodosovich	Tompkins
Krueger	Munger	Ozment	Rukavina	Trimble
Lasley	Murphy	Pappas	Runbeck	Tunheim
Lieder	Nelson, C.	Pauly	Sarna	Uphus
Limmer	Nelson, K.	Pellow	Schafer	Valento
Long	Neuenschwander	Pelowski	Schreiber	Vellenga
Lynch	O'Connor	Peterson	Seaberg	Wagenius
Macklin	Ogren	Poppenhagen	Segal	Waltman
Marsh	Olsen, S.	Price	Simoneau	Weaver
McDonald	Olson, E.	Pugh	Skoglund	Welle
McEachern	Olson, K.	Quinn	Solberg	Wenzel
McGuire	Omann	Redalen	Sparby	Williams
McLaughlin	Onnen	Reding	Stanisus	Winter
McPherson	Orenstein	Rest	Steenma	Wynia
Milbert	Osthoff	Rice	Sviggum	Spk. Vanasek

Those who voted in the negative were:

Dempsey

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 489

A bill for an act relating to employment; regulating fair share fees, unfair labor practices, arbitration procedures and grievance procedures; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179A.03, subdivision 7; 179A.05, subdivision 6; 179A.06, subdivision 3; 179A.13, subdivision 1; 179A.14, subdivision 1; 179A.16, subdivisions 1, 2, 3, and 4; and 179A.20, subdivision 4.

May 8, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 489, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H. F. No. 489 be further amended as follows:

Page 5, line 1, after "employer" insert "of a unit of employees other than essential employees"

Page 7, line 17, delete "written"

Amend the title as follows:

Page 1, line 2, delete "public"

We request adoption of this report and repassage of the bill.

House Conferees: ANDY DAWKINS, JOSEPH R. BEGICH AND ELTON R. REDALEN.

Senate Conferees: MICHAEL O. FREEMAN, BOB DECKER AND DAVID J. FREDERICKSON.

Dawkins moved that the report of the Conference Committee on H. F. No. 489 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 489, A bill for an act relating to employment; regulating fair share fees, unfair labor practices, arbitration procedures and grievance procedures; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179A.03, subdivision 7; 179A.05, subdivision 6; 179A.06, subdivision 3; 179A.13, subdivision 1; 179A.14, subdivision 1; 179A.16, subdivisions 1, 2, 3, and 4; and 179A.20, subdivision 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Redalen	Sarna	Sparby	Uphus	Williams
Reding	Schafer	Stanius	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 repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 300

A bill for an act relating to occupational safety and health; increasing certain penalties; proposing changes to the employee right-to-know act of 1984; amending Minnesota Statutes 1988, sections 182.651, subdivisions 7, 14, 15, and by adding a subdivision; and 182.653, subdivisions 4b, 4c, and 4f; repealing Minnesota Statutes 1988, section 182.651, subdivision 16.

May 16, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 300, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 300 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 182.651, subdivision 7, is amended to read:

Subd. 7. “Employer” means a person who has employs one or more employees and includes any person acting who has the power to hire, fire, or transfer, or who acts in the interest of, or as a representative of, an employer and includes a corporation, partnership, association, group of persons, and the state and all of its political subdivisions.

Sec. 2. Minnesota Statutes 1988, section 182.651, subdivision 16, is amended to read:

Subd. 16. (a) “Technically qualified individual” means a person physician, dentist, pharmacist, or lead research individual, other

than a student in one of these fields, who, because of professional or technical education, training or experience, understands, at the time of exposure, the health risks and the necessary safety precautions associated with each hazardous substance, harmful physical agent, infectious agent or mixture handled or utilized by the person.

(b) The commissioner shall by rule adopt a standard which specifies the criteria to be considered in determining whether or not a person is a technically qualified individual under this subdivision.

Sec. 3. Minnesota Statutes 1988, section 182.651, is amended by adding a subdivision to read:

Subd. 20. [INFECTIOUS AGENT.] "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Sec. 4. Minnesota Statutes 1988, section 182.653, subdivision 4f, is amended to read:

Subd. 4f. Each employer who operates a hospital or clinic shall provide training according to a program developed by the commissioner by rule with approval of the commissioner of health to its employees who are routinely exposed to an infectious agent. The training shall include the information required by the rule for that agent as developed by the commissioner and shall include, if known, names of infectious agents to which the employee is routinely exposed, proper techniques for the employee to avoid self-contamination, and symptoms and effects of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to an infectious agent. Existing in-service, hospital licensure or certification programs which the commissioner determines substantially comply with the rules adopted pursuant to this subdivision may be certified by the commissioner to satisfy all or a part of the rules. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational labora-

tory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151.

Employees who have been routinely exposed to an infectious agent prior to the effective date of Laws 1983, chapter 316 and who continue to be routinely exposed to that infectious agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that infectious agent within six months of the effective date of Laws 1983, chapter 316.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

Sec. 5. Minnesota Statutes 1988, section 182.669, subdivision 1, is amended to read:

Subdivision 1. Any employee believed to have been discharged or otherwise discriminated against by any person because such employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as the commissioner deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee the commissioner shall refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. The administrative law judge may order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, seniority rights, back pay, recovery of compensatory damages, and reasonable attorney fees, or other appropriate relief. In all cases where the administrative law judge finds that an employee has been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under sections 182.65 to 182.674, the administrative law judge may order payment to the employee of back pay and compensatory damages. The administrative law judge may also order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, and seniority rights; and other appropriate relief. In addition, the administrative law judge may order payment to the

commissioner or to the employee of costs, disbursements, witness fees, and attorney fees. Interest shall accrue on, and be added to, the unpaid balance of an administrative law judge's order from the date the order is signed by the administrative law judge until it is paid, at the annual rate provided in section 549.09, subdivision 1, paragraph (c). An employee may bring a private action in the district court for relief under this section.

Sec. 6. [TRANSITION TRAINING PERIOD.]

This section applies to employees who are subject to the training requirements of section 182.653, subdivision 4f, because of the amendment in section 4. Employees who have been routinely exposed to an infectious agent prior to August 1, 1989, and who continue to be exposed after August 1, 1989, must be trained with respect to that infectious agent by no later than February 1, 1990."

Delete the title and insert:

"A bill for an act relating to occupational safety and health; proposing changes to the employee right-to-know act of 1983; amending Minnesota Statutes 1988, sections 182.651, subdivisions 7, 16, and by adding a subdivision; 182.653, subdivision 4f; and 182.669, subdivision 1."

We request adoption of this report and repassage of the bill.

House Conferees: KAREN CLARK, SANDY PAPPAS AND WARREN E. LIMMER

Senate Conferees: PAT PIPER, JAMES C. PEHLER AND JIM GUSTAFSON.

Clark moved that the report of the Conference Committee on H. F. No. 300 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 300, A bill for an act relating to occupational safety and health; increasing certain penalties; proposing changes to the employee right-to-know act of 1984; amending Minnesota Statutes 1988, sections 182.651, subdivisions 7, 14, 15, and by adding a subdivision; and 182.653, subdivisions 4b, 4c, and 4f; repealing Minnesota Statutes 1988, section 182.651, subdivision 16.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey Forsythe

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

CONFERENCE COMMITTEE REPORT ON 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.

May 11, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 1506, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: WALLY SPARBY, JOHN J. SARNA AND TONY L. BENNETT.

Senate Conferees: SAM G. SOLON, JAMES METZEN AND DON ANDERSON.

Sparby moved that the report of the Conference Committee on H. F. No. 1506 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

RECESS

RECONVENED

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, G., requested immediate consideration of H. F. No. 417 and S. F. No. 783.

H. F. No. 417 was reported to the House.

Kalis moved to amend H. F. No. 417, the fifth engrossment, as follows:

Page 17, line 15, before the period insert "or that develop transportation equipment or systems for recyclable materials"

The motion prevailed and the amendment was adopted.

Jennings moved to amend H. F. No. 417, the fifth engrossment, as amended, as follows:

Page 31, lines 24 and 25, delete everything inside the brackets and insert "RECYCLING FEE."

Page 31, line 26, delete "SURCHARGE" and insert "FEE"; delete "surcharge" and insert "recycling fee"

Page 31, line 29, delete "surcharge" and insert "fee"

Page 31, line 33, delete "surcharge" and insert "fee"

Page 31, line 36, delete "surcharge" and insert "fee"

Page 32, line 3, delete "surcharge" and insert "fee"

Page 32, line 9, delete "surcharge" and insert "fee"

Page 32, line 12, delete "surcharge" and insert "fee"

Page 32, line 16, delete "surcharge" and insert "fee"

Page 32, line 18, delete "surcharge" and insert "fee"

Page 32, line 19, delete "surcharge" and insert "fee"

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

On the motion of Olsen, S., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Anderson, R.	Frerichs	Lasley	Ostrom	Seaberg
Battaglia	Girard	Lieder	Otis	Segal
Beard	Gruenes	Limmer	Pappas	Skoglund
Begich	Gutknecht	Lynch	Pauly	Solberg
Bertram	Hartle	Macklin	Pellow	Sparby
Bishop	Haukoos	Marsh	Peterson	Stanius
Boo	Henry	McEachern	Poppenhagen	Steenma
Burger	Hugoson	McGuire	Pugh	Sviggum
Carlson, D.	Jacobs	McLaughlin	Quinn	Tjornhom
Carlson, L.	Janezich	McPherson	Redalen	Tunheim
Carruthers	Jefferson	Miller	Reding	Valento
Clark	Jennings	Munger	Rest	Wagenius
Conway	Johnson, A.	Nelson, C.	Rice	Waltman
Cooper	Johnson, R.	Neuenschwander	Richter	Weaver
Dauner	Johnson, V.	O'Connor	Rodosovich	Welle
Dawkins	Kahn	Ogren	Rukavina	Wenzel
Dempsey	Kalis	Olsen, S.	Runbeck	Williams
Dorn	Kelso	Olson, K.	Sarna	Wynia
Forsythe	Knickerbocker	Omann	Schafer	Spk. Vanasek
Frederick	Krueger	Onnen	Schreiber	

McLaughlin moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Olsen, S.; Gutknecht; Sviggum and Frerichs moved to amend H. F. No. 417, the fifth engrossment, as amended, as follows:

Page 17, line 30, delete "4" and insert "2"

Pages 31 to 32, delete section 2 and insert:

"Sec. 2. [115A.922] [RECYCLING FEE.]

(a) The operator of a mixed municipal solid waste disposal or

resource recovery facility shall pay a fee on waste accepted at the facility as follows:

(1) \$9 per ton or equivalent volume of mixed municipal solid waste accepted at a disposal facility, including waste residuals from a resource recovery facility;

(2) \$4 per ton or equivalent volume of waste residue that is accepted at a disposal facility from a mixed municipal solid waste resource recovery facility; and

(3) \$1 per ton or equivalent of mixed municipal solid waste accepted at a resource recovery facility.

(b) Waste from a recycling facility that separates or processes recyclable materials and that reduces the volume of the waste by at least 85 percent is exempt from the fee. To qualify for exemption under this paragraph waste must be brought to the disposal facility separately.

(c) Recyclable materials that are separately collected, processed and accepted for recycling at a facility are exempt from the fee at that facility.

(d) For the purposes of this section: "waste residuals" means that portion of mixed municipal solid waste accepted at a resource recovery facility that is sent on to a disposal facility without being processed by incineration or into refuse derived fuel; and "waste residue" means the waste generated by a resource recovery facility by processing mixed municipal solid waste by incineration or into refuse derived fuel.

Subd. 2. [PAYMENT; DISPOSITION.] (a) On or before the 20th day of each month, each operator of a mixed municipal solid waste disposal or resource recovery facility shall pay the fee due under this section for the previous month and shall report the amount of waste accepted during that month to the commissioner of revenue.

(b) The proceeds of the fees imposed under this section, including interest and penalties, must be deposited as follows:

(1) 91 percent must be credited to the environmental fund; and

(2) nine percent must be deposited in the recycling accounts of counties that have developed recycling programs and are in immediate need of market development assistance, as certified by the waste management board.

(c) The fee imposed in this section is in addition to the fees

authorized in sections 115A.919 and 115A.921 and the fee imposed in section 473.843.

Subd. 3. [EXCHANGE OF INFORMATION.] Notwithstanding the provision of section 116.075, the agency may provide the commissioner of revenue with the information necessary for the enforcement of this section. Information disclosed in a return filed under this section is public information. Information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency under section 116.075 or is trade secret information classified under section 13.37. Information obtained in the course of an audit by the department of revenue is private or nonpublic data to the extent that it would not be directly divulged in a return.

Subd. 4. [PENALTIES; ENFORCEMENT.] The audit, penalty, and enforcement provisions applicable to taxes imposed under chapter 290 apply to the fees imposed under this section. The commissioner of revenue shall administer the provisions.

Subd. 5. [RULES.] The commissioner of revenue may adopt rules necessary to implement this section."

A roll call was requested and properly seconded.

The question was taken on the Olsen, S., et al amendment and the roll was called.

McLaughlin moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Pellow	Stanisus
Bishop	Gutknecht	Lieder	Poppenhagen	Sviggunn
Blatz	Heap	Limmer	Rest	Tjornhom
Burger	Henry	Olsen, S.	Rumbeck	Valento
Carlson, L.	Kelso	Olsen, E.	Schreiber	Waltman
Forsythe	Kinkel	Pauly	Segal	

Those who voted in the negative were:

Anderson, R.	Carruthers	Frederick	Jennings	McEachern
Battaglia	Clark	Girard	Johnson, A.	McLaughlin
Bauerly	Conway	Gruenes	Johnson, R.	Milbert
Beard	Cooper	Haukoos	Johnson, V.	Miller
Begich	Dauner	Himle	Kahn	Morrison
Bertram	Dawkins	Hugoson	Kalis	Munger
Boo	Dempsey	Jacobs	Lasley	Murphy
Brown	Dille	Janezich	Lynch	Neuenschwander
Carlson, D.	Dorn	Jefferson	Marsh	O'Connor

Ogren	Peterson	Rukavina	Steensma	Williams
Olson, K.	Pugh	Sarna	Trimble	Winter
Omann	Quinn	Schafer	Tunheim	Wynia
Onnen	Redalen	Seaberg	Uphus	Spk. Vanasek
Ostrom	Reding	Simoneau	Wagenius	
Otis	Rice	Skoglund	Weaver	
Pappas	Richter	Solberg	Welle	
Pelowski	Rodosovich	Sparby	Wenzel	

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

Anderson, R., was excused while in conference.

CALL OF THE HOUSE LIFTED

Limmer moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Limmer moved to amend H. F. No. 417, the fifth engrossment, as amended, as follows:

Page 32, after line 23, insert:

“Sec. 3. [REPEALER.]

Section 2 is repealed June 30, 1992.”

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

Stanius moved to amend H. F. No. 417, the fifth engrossment, as amended, as follows:

Page 7, line 14, after the semicolon insert “and”

Page 7, delete line 15

Page 7, line 16, delete “(3)” and insert “(2)” and delete “yard waste,”

Page 32, after line 14, insert:

“(c) Political subdivisions that have met, for one year, the recycling goal established in article 2, section 4, and residents of those political subdivisions are exempt from paying the surcharge imposed in subdivision 1. The waste management board, for political subdivisions outside the metropolitan area as defined in section 473.121, and the metropolitan council, for political subdivisions in the metropolitan area, shall annually certify to the commissioner of

revenue, by a date established by the commissioner, those political subdivisions that qualify for exemption from the surcharge."

A roll call was requested and properly seconded.

The question was taken on the Stanius amendment and the roll was called. There were 42 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Gutknecht	Limmer	Poppenhagen	Sviggum
Bennett	Haukoos	Lynch	Richter	Tjornhom
Blatz	Heap	McDonald	Runbeck	Tompkins
Boo	Henry	McPherson	Schafer	Valento
Burger	Hugoson	Miller	Schreiber	Waltman
Dempsey	Johnson, V.	Olsen, S.	Seaberg	Weaver
Forsythe	Kelso	Onnen	Segal	
Frerichs	Knickerbocker	Ozment	Sparby	
Girard	Kostohryz	Pellow	Stanius	

Those who voted in the negative were:

Anderson, G.	Greenfield	Long	Ostrom	Simoneau
Battaglia	Gruenes	Marsh	Otis	Skoglund
Bauerly	Hasskamp	McEachern	Pappas	Solberg
Beard	Himle	McGuire	Pauly	Steensma
Begich	Jacobs	McLaughlin	Pelowski	Trimble
Bertram	Jaros	Munger	Peterson	Tunheim
Brown	Jennings	Murphy	Price	Uphus
Carlson, D.	Johnson, A.	Nelson, C.	Pugh	Vellenga
Carlson, L.	Johnson, R.	Nelson, K.	Quinn	Wagenius
Carruthers	Kahn	Neuenschwander	Redalen	Welle
Clark	Kalis	O'Connor	Reding	Wenzel
Conway	Kelly	Ogren	Rest	Winter
Cooper	Kinkel	Olson, E.	Rice	Wynia
Dauner	Krueger	Olson, K.	Rodosovich	Spk. Vanasek
Dawkins	Lasley	Omamn	Rukavina	
Dorn	Lieder	Orenstein	Sarna	

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

H. F. No. 417, A bill for an act relating to solid waste; establishing plans and programs to reduce waste generated, recycle waste, develop markets for recyclables, address materials that cause special problems in the waste stream, prevent, control, and abate litter, inform and educate the public on proper waste management; appropriating money; amending Minnesota Statutes 1988, sections 18B.01, by adding a subdivision; 115A.03, by adding subdivisions; 115A.072; 115A.12, subdivision 1; 115A.15, subdivision 5, and by adding subdivisions; 115A.46, subdivision 2, and by adding a subdivision; 115A.48, subdivision 3, and by adding subdivisions; 115A.96, subdivision 2, and by adding a subdivision; 116.07, by adding a subdivision; 116K.04, by adding a subdivision; 275.50, subdivision 5; 325E.115, subdivision 1; 400.08, by adding a subdivision; 473.149, subdivision 1; and 473.803, subdivision 1; proposing

coding for new law in Minnesota Statutes, chapters 18B; 115A; 116C; 116J; 121; 173; and 473.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Knickerbocker Osthoff

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

The Speaker called McLaughlin to the Chair.

S. F. No. 783 was reported to the House.

Simoneau moved to amend S. F. No. 783, the unofficial engrossment, as follows:

Page 216, line 33, delete "1984" and insert "1988"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Welle and Sviggum moved to amend S. F. No. 783, the unofficial engrossment, as amended, as follows:

Page 213, line 22, delete "The term includes the"

Page 213, delete lines 23 and 24

Page 213, line 25, delete "legislator." and delete "paid"

Page 213, line 26, delete "other than during the regular or special session"

Page 214, line 14, after "1," insert "or"

Page 214, line 15, delete "or payments in lieu of"

Page 214, line 16, delete "contributions under section 3A.031"

Page 214, line 32, reinstate the stricken "or"

Page 214, line 34, after "2" delete the balance of the line

Page 214, line 35, delete the new language

Pages 216 and 217, delete section 6

Re-number the sections in article 16 in sequence

Page 217, line 13, delete "8" and insert "7"

Page 217, line 14, delete "7" and insert "6"

Amend the title as follows:

Page 2, line 26, delete "3A,"

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

McLaughlin; Clark; Olsen, S.; Carlson, L.; Carlson, D.; Schafer; Kelly; Tjornhom; Brown; Munger; O'Connor; Schreiber; Krueger; Heap; Carruthers; Bennett; Winter; Dille; Kahn; Rice; Pelowski; Begich; Quinn; Peterson; Johnson, A.; Skoglund; Jacobs; Beard; Onnen; Otis; Johnson, R.; Cooper; Sparby; Greenfield; Ogren; Redalen; Blatz; Rukavina; Nelson, K.; Knickerbocker; Lasley; Bauerly; Solberg; Jefferson; Bertram; Ozment; McEachern; Reding; Murphy;

Kalis; Kinkel; Jaros; Pugh; Limmer; Miller; Nelson, C.; Abrams; Battaglia; Stanius; McDonald; Tunheim; Hartle; Wagenius; Macklin and Uphus moved to amend S. F. No. 783, the unofficial engrossment, as amended, as follows:

Page 231, after line 9, insert:

“ARTICLE 19

Section 1. [CITATION.]

Sections 1 to 7 may be cited as the “pension refinancing and incentive to retirement investment earnings act of 1989.”

Sec. 2. Minnesota Statutes 1988, section 69.031, subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, on receiving the fire state aid, shall within 30 days after receipt transmit it to the treasurer of the duly incorporated firefighters' relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in section 424A.08 and shall be disbursed only for the purposes and in the manner set forth in that section.

(2) The municipal treasurer, upon receipt of the police state aid, shall disburse the police state aid in the following manner:

(a) For a municipality in which a local police relief association exists and all peace officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all peace officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or

(c) For a municipality other than a city of the first class with a population of more than 300,000 in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in clause (a), to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund subject to the provisions of clause (b) on the basis of the respective number of active full-time peace officers, as defined in section 69.011, subdivision 1, clause (g).

For a city of the first class with a population of more than 300,000, in addition, the city may elect to allot the appropriate portion of the total police state aid to apply toward the employer contribution of the city to the public employees police and fire fund based on the covered salary of police officers covered by the fund each payroll period and to transmit the balance to the police relief association.

(3) The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 3. Minnesota Statutes 1988, section 69.77, subdivision 2b, is amended to read:

Subd. 2b. [RELIEF ASSOCIATION FINANCIAL REQUIREMENTS; MINIMUM MUNICIPAL OBLIGATION.] The officers of the relief association shall determine the financial requirements of the relief association and minimum obligation of the municipality for the following calendar year in accordance with the requirements of this subdivision. The financial requirements of the relief association and the minimum obligation of the municipality shall be determined on or before the submission date established by the municipality pursuant to subdivision 2c.

The financial requirements of the relief association for the following calendar year shall be based on the most recent actuarial valuation or survey of the special fund of the association if more than one fund is maintained by the association, or of the association, if only one fund is maintained, prepared in accordance with sections

356.215, subdivisions 4 to 4k and 356.216, as required pursuant to subdivision 2h. If an actuarial estimate is prepared by the actuary of the relief association as part of obtaining a modification of the benefit plan of the relief association and the modification is implemented, the actuarial estimate shall be used in calculating the financial requirements of the relief association.

If the relief association has an unfunded actuarial accrued liability as reported in the most recent actuarial valuation or survey, the total of the amounts calculated pursuant to clauses (a), (b), and (c) shall constitute the financial requirements of the relief association for the following year. If the relief association does not have an unfunded actuarial accrued liability as reported in the most recent actuarial valuation or survey, the amount calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.

(a) The normal level cost requirement for the following year, expressed as a dollar amount, which shall be determined by applying the normal level cost of the relief association as reported in the actuarial valuation or survey and expressed as a percentage of covered payroll to the estimated covered payroll of the active membership of the relief association, including any projected increase in the active membership, for the following year.

(b) To the dollar amount of normal cost thus determined shall be added an amount equal to the dollar amount of the administrative expenses of the special fund of the association if more than one fund is maintained by the association, or of the association if only one fund is maintained, for the most recent year, multiplied by the factor of 1.035. For a relief association in a municipality, the administrative expenses are those authorized under section 69.80. No amount of administrative expenses under this clause shall be included in the financial requirements of a relief association in a city of the first class with a population of more than 300,000.

(c) To the dollar amount of normal cost and expenses determined under clauses (a) and (b) shall be added an amount equal to the level annual dollar amount which is sufficient to amortize the unfunded actuarial accrued liability by December 31, 2010, as determined from the actuarial valuation or survey of the fund, using an interest assumption set at the rate specified in section 356.215, subdivision 4d. The amortization date specified in this clause shall apply to all local police or salaried firefighters' relief associations and shall supersede any amortization date specified in any applicable special law.

The minimum obligation of the municipality shall be an amount equal to the financial requirements of the relief association reduced by the estimated amount of member contributions from covered salary anticipated for the following calendar year and the estimated

amounts anticipated for the following calendar year from the applicable state aid program established pursuant to sections 69.011 to 69.051 receivable by the relief association after any allocation made pursuant to section 69.031, subdivision 5, clause (2), subclause (c) or 423A.01, subdivision 2, clause (6), from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 423A.02 and from the supplementary amortization state-aid program established under Laws 1984, chapter 564, section 48, and Laws 1985, chapter 261, section 17.

Sec. 4. Minnesota Statutes 1988, section 356.216, is amended to read:

356.216 [CONTENTS OF ACTUARIAL VALUATIONS FOR LOCAL POLICE AND FIRE FUNDS.]

(a) The provisions of section 356.215 governing the contents of actuarial valuations shall apply to any local police or fire pension fund or relief association required to make an actuarial report under this section except as follows:

(1) in calculating normal cost and other requirements, if required to be expressed as a level percentage of covered payroll, the salaries used in computing covered payroll shall be the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined and from which any member contributions are calculated and deducted;

(2) in lieu of the amortization date specified in section 356.215, subdivision 4g, the appropriate amortization target date specified in section 69.77, subdivision 2b, or 69.773, subdivision 4, clause (b), shall be used in calculating any required amortization contribution;

(3) in addition to the tabulation of active members and annuitants provided for in section 356.215, subdivision 4i, the member contributions for active members for the calendar year and the prospective annual retirement annuities under the benefit plan for active members shall be reported;

(4) actuarial valuations required pursuant to section 69.773, subdivision 2, shall be made at least every four years and actuarial valuations required pursuant to section 69.77 shall be made annually; and

(5) the actuarial balance sheet showing accrued assets valued at market value if the actuarial valuation is required to be prepared at least every four years or valued as current assets under section 356.215, subdivision 1, clause ~~(5)~~ (6), or paragraph (b), whichever applies, if the actuarial valuation is required to be prepared annu-

ally, actuarial accrued liabilities, and the unfunded actuarial accrued liability shall include the following required reserves:

(a) For active members

1. Retirement benefits
2. Disability benefits
3. Refund liability due to death or withdrawal
4. Survivors' benefits

(b) For deferred annuitants' benefits

(c) For former members without vested rights

(d) For annuitants

1. Retirement annuities
2. Disability annuities
3. Surviving spouses' annuities
4. Surviving children's annuities

In addition to those required reserves, separate items shall be shown for additional benefits, if any, which may not be appropriately included in the reserves listed above.

(6) actuarial valuations shall be due by the first day of the seventh month after the end of the fiscal year which the actuarial valuation covers.

(b) For a relief association in a city of the first class with a population of more than 300,000, the following provisions additionally apply:

(1) in calculating the actuarial balance sheet, unfunded actuarial accrued liability, and amortization contribution of the relief association, "current assets" means the value of all assets at cost, including realized capital gains and losses, plus or minus, whichever applies, the average value of total unrealized capital gains or losses for the most recent three-year period ending with the end of the plan year immediately preceding the actuarial valuation report transmission date; and

(2) in calculating the applicable portions of the actuarial valuation, an annual preretirement interest assumption of six percent, an annual postretirement interest assumption of six percent, and an annual salary increase assumption of four percent must be used.

Sec. 5. Minnesota Statutes 1988, section 423A.01, subdivision 2, is amended to read:

Subd. 2. [OPERATION OF LOCAL RELIEF ASSOCIATION UPON MODIFICATION OF RETIREMENT COVERAGE FOR NEWLY HIRED POLICE OFFICERS AND FIREFIGHTERS.] The following provisions shall govern the operation of a local relief

association upon the modification of retirement coverage for newly hired police officers or firefighters:

(1) The minimum obligation of a municipality in which the retirement coverage for newly hired police officers or salaried firefighters has been modified pursuant to subdivision 1 with respect to the local relief association shall be determined and governed in accordance with the provisions of sections 69.77, 356.215 and 356.216, except that the normal cost calculation for the relief association shall be computed as a percentage of the compensation paid to the active members of the relief association. The compensation paid to persons with retirement coverage modified pursuant to subdivision 1 shall not be included in any of the computations made in determining the obligation of the municipality with respect to the local relief association.

(2) The contribution rate of members of the local relief association shall be governed by section 69.77, unless a special law establishing a greater member contribution rate is applicable whereupon it shall continue to govern. The member contribution rate of persons with retirement coverage modified pursuant to subdivision 1 shall be governed by section 353.65.

(3) Unless otherwise provided for by law, when every active member of the local relief association retires or terminates from active duty, the local relief association shall cease to exist as a legal entity and the assets of the special fund of the relief association shall be transferred to a trust fund to be established by the appropriate municipality for the purpose of paying service pensions and retirement benefits to recipient beneficiaries. Recipient beneficiaries who are competent to act on their own behalf shall be entitled to select the prescribed number of trustees of the trust fund as provided in this clause, subject to the approval of the governing body of the municipality. If there are at least five recipient beneficiaries, the trust fund shall be managed by a board of trustees composed of five persons selected by the recipient beneficiaries of the fund. When there are fewer than five recipient beneficiaries, the number of trustees selected by the recipient beneficiaries shall be equal to the number of the remaining recipient beneficiaries. The governing body of the municipality shall select the additional trustees. The term of the elected members of the board of trustees shall be indefinite and shall continue until a vacancy occurs in one of the board of trustee member positions. Board of trustee members shall not be compensated for their services, but shall be reimbursed for any expenses actually and necessarily incurred as a result of the performance of their duties in their capacity as board of trustee members. The municipality shall perform whatever services are necessary to administer the trust fund. When all obligations of the trust fund are paid, the balance of the assets remaining in the trust fund shall revert to the municipality for expenditure for law enforcement or firefighting purposes, whichever is applicable.

(4) The financial requirements of the trust fund and the minimum obligation of the municipality with respect to the trust fund shall be determined in accordance with sections 69.77, 356.215 and 356.216 until the unfunded accrued liability of the trust fund is fully amortized in accordance with section 69.77, subdivision 2b. The municipality shall provide in its annual budget for at least the aggregate amount of service pensions, disability benefits, survivorship benefits and refunds which are projected as payable for the following calendar year, as determined by the board of trustees of the trust fund, less the amount of assets in the trust fund as of the end of the most current calendar year for which figures are available, valued pursuant to section 356.20, subdivision 4, clause (1)(a), if the difference between those two figures is a positive number.

(5) In calculating the amount of service pensions and other retirement benefits payable from the local relief association and in calculating the amount of any automatic post retirement increases in those service pensions and retirement benefits based on the salary paid or payable to active members or escalated in any fashion, the salary for use as the base for the service pension or retirement benefit calculation and the post retirement increase calculation for the local relief association shall be the salary for the applicable position as specified in the articles of incorporation or bylaws of the relief association as of the date immediately prior to the effective date of the modification of retirement coverage for newly hired personnel pursuant to subdivision 1, as the applicable salary is reset by the municipality periodically, irrespective of whether retirement coverage for persons holding the applicable position used in calculations is provided by the relief association or by the public employees police and fire fund.

(6) If the modification of retirement coverage implemented pursuant to subdivision 1 is applicable to a local police relief association, the police state aid received by the municipality shall be disbursed pursuant to section 69.031, subdivision 5, clause (2)(c). If the modification of retirement coverage implemented pursuant to subdivision 1 is applicable to a local firefighters' relief association, the fire state aid received by the applicable municipality other than a city of the first class with a population of more than 300,000 shall be disbursed as the municipality at its option may elect. The municipality may elect: (a) to transmit the total fire state aid to the treasurer of the local relief association for immediate deposit in the special fund of the relief association; or (b) to apply the total fire state aid toward the employer contribution of the municipality to the public employees police and fire fund pursuant to section 353.65, subdivision 3; or (c) to allocate the total fire state aid proportionately between the special fund of the local relief association and employer contribution of the municipality to the public employees police and fire fund on the basis of the respective number of active full time salaried firefighters receiving retirement coverage from each.

For a city of the first class with a population of more than 300,000, in addition, the city may elect to allot the appropriate portion of the total fire state aid to apply toward the employer contribution of the city to the public employees police and fire fund based on the covered salary of firefighters covered by the fund each payroll period and to transmit the balance to the firefighters relief association.

Sec. 6. [DISPOSITION OF ASSETS UPON CONCLUSION OF BENEFIT PAYMENTS.]

Upon the death of the last benefit recipient and the certification by the chief administrative officer of a city of the first class with a population of more than 300,000 to the state auditor of the absence of any remaining person with a benefit entitlement, the assets of the relief association or trust fund, whichever applies, must revert to the city and may be used by the city only for law enforcement or firefighting expenditure purposes, whichever applies.

Sec. 7. [INVESTMENT RELATED POSTRETIREMENT ADJUSTMENTS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, each of the terms in this subdivision have the meanings given them in paragraphs (a) to (h).

(a) "Annual postretirement payment" means the payment of a lump sum postretirement benefit to an eligible member on June 1 following the determination date in any year.

(b) "City" means a city of the first class with a population of more than 300,000.

(c) "Determination date" means December 31 of each year.

(d) "Eligible member" means a person, including a service pensioner, a disability pensioner, a survivor, or dependent of a deceased active member, service pensioner, or disability pensioner, who received a pension or benefit during the 12 months before the determination date. A person who received a pension or benefit for the entire 12 months before the determination date are eligible for a full annual postretirement payment. A person who received a pension or benefit for less than 12 months before the determination date is eligible for a prorated annual postretirement payment.

(e) "Excess investment income" means the amount by which the time weighted total rate of return earned by the fund in the most recent fiscal year has exceeded the actual percentage increase in the current monthly salary of a top grade patrol officer or top grade firefighter, whichever applies, in the most recent fiscal year plus two percent. The excess investment income must be expressed as a

dollar amount and may not exceed one percent of the total assets of the fund and does not exist unless the yearly average percentage increase of the time weighted total rate of return of the fund for the previous five years exceeds by two percent the yearly average percentage increase in monthly salary of a top grade patrol officer or top grade firefighter, whichever applies, during the previous five calendar years.

(f) "Fund" means a police relief association or firefighters relief association, whichever applies, located in the city and governed by Minnesota Statutes, section 69.77.

(g) "Relief association" means the police relief association or the firefighters relief association, whichever applies, located in the city.

(h) "Time weighted total rate of return" means the percentage amount determined by using the formula or formulas established by the state board of investment under Minnesota Statutes, section 11A.04, clause (11), and in effect on January 1, 1987.

Subd. 2. [ANNUAL POSTRETIREMENT PAYMENT AUTHORIZED.] Notwithstanding the provisions of Minnesota Statutes, chapter 69, or any other law to the contrary, the relief association may provide annual postretirement payments to eligible members under this section.

Subd. 3. [DETERMINATION OF EXCESS INVESTMENT INCOME.] The board of trustees of the relief association shall determine by May 1 of each year whether or not the relief association has excess investment income. The amount of excess investment income, if any, must be stated as a dollar amount and reported by the chief administrative officer of the relief association to the mayor and governing body of the city, the state auditor, the commissioner of finance, and the executive director of the legislative commission on pensions and retirement. The dollar amount of excess investment income up to one percent of the assets of the fund must be applied for the purpose specified in subdivision 4. Excess investment income must not be considered as income to or assets of the fund for actuarial valuations of the fund for that year under sections 69.77, 356.215, and 356.216 and the provisions of this section except to offset the annual postretirement payment. Additional investment income is any realized or unrealized investment income other than the excess investment income and must be included in the actuarial valuations performed under sections 69.77, 356.215, and 356.216 and the provisions of this section.

Subd. 4. [AMOUNT OF ANNUAL POSTRETIREMENT PAYMENT.] The amount determined under subdivision 3 must be applied in accordance with this subdivision. The relief association shall apply the first one-half of one percent of excess investment income to the payment of an annual postretirement payment as

specified in this subdivision. The second one-half of one percent of excess investment income shall be applied to reduce the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year. The relief association shall pay an annual postretirement payment to all eligible members in an amount not to exceed one-half of one percent of the assets of the fund. Payment of the annual postretirement payment must be in a lump sum amount on June 1 following the determination date in any year. Payment of the annual postretirement payment may be made only if the time weighted total rate of return exceeds by two percent the actual percentage increase in the current monthly salary of a top grade patrol officer or a top grade firefighter, whichever applies, in the most recent fiscal year and the yearly average percentage increase of the time weighted total rate of return of the fund for the previous five years exceeds by two percent the yearly average percentage increase in monthly salary of a top grade patrol officer or a top grade firefighter, whichever applies, of the previous five years. The total amount of all payments to members may not exceed the amount determined under subdivision 3. Payment to each eligible member must be calculated by dividing the total number of pension units to which eligible members are entitled into the excess investment income available for distribution to members, and then multiplying that result by the number of units to which each eligible member is entitled to determine each eligible member's annual postretirement payment. Payment to each eligible member may not exceed an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the benefit plan of the relief association or each eligible member's proportionate share of the excess investment income, whichever is less.

Subd. 5. [ANNUAL POSTRETIREMENT PAYMENT IN THE EVENT OF DEATH.] In the event an eligible member dies after the determination date and before the payment of the annual postretirement payment, the chief administrative officer of the relief association shall pay that eligible member's estate the amount to which the eligible member was entitled.

Subd. 6. [REPORT ON ANNUAL POSTRETIREMENT PAYMENT.] The chief administrative officer of the relief association shall submit a report on the amount of all postretirement payments made under this section and the manner in which those payments were determined to the state auditor, the executive director of the legislative commission on pensions and retirement, and the city clerk of the city.

Subd. 7. [NO GUARANTEE OF ANNUAL POSTRETIREMENT PAYMENT.] No provision of or payment made under this section may be interpreted or relied upon by any member of the relief association to guarantee or entitle a member to annual postretire-

ment payments for a period when no excess investment income is earned by the fund.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective on the day following final enactment and apply to 1988 investment performance, actuarial valuations covering the calendar year ending December 31, 1988, and the annual financial requirements and minimum municipal obligation based on the 1988 actuarial valuations.

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 783, A bill for an act relating to education; proposing a fifth year incentive plan for teachers in the Duluth school district.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welle

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

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 Special Orders pending for today, Thursday, May 18, 1989:

S. F. No. 1541; H. F. Nos. 1726, 1023 and 515; S. F. Nos. 1123 and 738; H. F. Nos. 404 and 723; S. F. No. 536; H. F. Nos. 1443 and 150; S. F. No. 613; H. F. Nos. 960, 618, 871, 782 and 1194; S. F. No. 481; H. F. Nos. 1163 and 1201; S. F. No. 499; H. F. Nos. 962, 1396, 207, 376 and 633; S. F. Nos. 470 and 1394; H. F. No. 777; S. F. Nos. 775, 564, 1378 and 661; and H. F. No. 851.

The Speaker called Rodosovich to the Chair.

SPECIAL ORDERS

S. F. No. 1541, A bill for an act relating to local government; providing for a chief administrative deputy sheriff in the unclassified service in Hennepin county; authorizing certain county sheriffs to appoint a chief deputy or first assistant; amending Minnesota Statutes 1988, sections 383B.32, subdivision 2; and 387.145.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Pappas	Reding	Seaberg	Trimble	Wenzel
Pauly	Rest	Segal	Tunheim	Williams
Pellow	Rice	Skoglund	Uphus	Winter
Pelowski	Richter	Sparby	Valento	Wynia
Peterson	Rodosovich	Stanius	Vellenga	Spk. Vanasek
Poppenhagen	Rukavina	Steensma	Wagenius	
Price	Runbeck	Sviggum	Waltman	
Pugh	Schafer	Tjornhom	Weaver	
Redalen	Schreiber	Tompkins	Welle	

The bill was passed and its title agreed to.

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

S. F. No. 1123 was reported to the House.

Scheid moved to amend S. F. No. 1123, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 53.04, subdivision 3a, is amended to read:

Subd. 3a. (a) The right to make loans, secured or unsecured, at the rates and on the terms and other conditions permitted licensees under chapter 56. Loans made under the authority of section 56.125 must be in amounts in compliance with section 53.05, clause (7). All other loans made under the authority of chapter 56 must be in amounts in compliance with section 53.05, clause (7), or 56.131, subdivision 1, paragraph (a), whichever is less. The right to extend credit or lend money and to collect and receive charges therefor as provided by chapter 334, or in lieu thereof to charge, collect, and receive interest at the rate of 21.75 percent per annum, including the right to contract for, charge, and collect all other charges including discount points, fees, late payment charges, and insurance premiums on the loans to the same extent permitted on loans made under the authority of chapter 56, regardless of the amount of the loan. The provisions of sections 47.20 and 47.21 do not apply to loans made under this subdivision, except as specifically provided in this subdivision. Nothing in this subdivision is deemed to supersede, repeal, or amend any provision of section 53.05. A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

(b) Loans made under this subdivision at a rate of interest not in excess of that provided for in paragraph (a) may be secured by real or personal property, or both. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with the provisions of section 47.20.

(c) A loan made under this subdivision that is secured by real estate and that is in a principal amount of \$7,500 or more and a maturity of 60 months or more may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this subdivision. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. ~~If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this subdivision when the prepayment is taken into account.~~

(d) An agency or instrumentality of the United States government or a corporation otherwise created by an act of the United States Congress or a lender approved or certified by the secretary of housing and urban development, or approved or certified by the administrator of veterans affairs, or approved or certified by the administrator of the farmers home administration, or approved or certified by the federal home loan mortgage corporation, or approved or certified by the federal national mortgage association, that engages in the business of purchasing or taking assignments of mortgage loans and undertakes direct collection of payments from or enforcement of rights against borrowers arising from mortgage loans, is not required to obtain a certificate of authorization under this chapter in order to purchase or take assignments of mortgage loans from persons holding a certificate of authorization under this chapter.

Sec. 2. Minnesota Statutes 1988, section 53.04, is amended by adding a subdivision to read:

Subd. 3c. The right to extend credit and make loans under chapter 51A on the same terms and subject to the same conditions as apply to other lenders under that chapter. This subdivision does not authorize an industrial loan and thrift company to make loans under a credit card or overdraft checking plan.

Sec. 3. Minnesota Statutes 1988, section 53.06, is amended to read:

53.06 [DIRECTORS, RESIDENCE.]

At least three-fourths of the directors of any industrial loan and thrift company holding a certificate that includes the right to issue thrift certificates for investment must be residents of the county in which the industrial loan and thrift company maintains its principal place of business, an adjacent county or any county in which the industrial loan and thrift company maintains a place of business pursuant to this chapter Minnesota.

Sec. 4. Minnesota Statutes 1988, section 56.12, is amended to read:

56.12 [ADVERTISING; TAKING OF SECURITY; PLACE OF BUSINESS.]

No licensee shall advertise, print, display, publish, distribute, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to the rates, terms, or conditions for the lending of money, credit, goods, or things in action which is false, misleading, or deceptive. The commissioner may order any licensee to desist from any conduct which the commissioner shall find to be a violation of the foregoing provisions.

The commissioner may require that rates of charge, if stated by a licensee, be stated fully and clearly in such manner as the commissioner may deem necessary to prevent misunderstanding thereof by prospective borrowers. In lieu of the disclosure requirements of this section and section 56.14, a licensee may give the disclosures required by the federal Truth-in-Lending Act.

A licensee may take a lien upon real estate as security for any loan exceeding \$2,700 in principal amount made under this chapter. The provisions of sections 47.20 and 47.21 do not apply to loans made under this chapter, except as provided in this section. No loan secured by a first lien on a borrower's primary residence shall be made pursuant to this section if the proceeds of the loan are used to finance the purchase of the borrower's primary residence and section 56.131, subdivision 2. If the proceeds of a loan secured by a first lien on the borrower's primary residence are used to finance the purchase of the borrower's primary residence, the loan must comply with section 47.20, unless:

- (1) the proceeds of the loan are used to finance the purchase of a manufactured home; or
- (2) the proceeds of the loan are used in whole or in part to satisfy the balance owed on a contract for deed.

If the proceeds of the loan are used to finance the purchase of the borrower's primary residence, the licensee shall consent to the subsequent transfer of the real estate if the existing borrower continues after transfer to be obligated for repayment of the entire remaining indebtedness. The licensee shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the property used as collateral, and (2) executes an agreement in writing with the licensee whereby the

transferee assumes the obligations of the existing borrower under the loan instruments. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument. A licensee may charge a fee not in excess of one-tenth of one percent of the remaining unpaid principal balance in the event the loan is assumed by the transferee and the existing borrower continues after the transfer to be obligated for repayment of the entire assumed indebtedness. A licensee may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee and the existing borrower is released from all obligations under the loan instruments, but in no event shall the fee exceed \$150.

A licensee making a loan under this chapter secured by a lien on real estate shall comply with the requirements of section 47.20, subdivision 8.

No licensee shall conduct the business of making loans under this chapter within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, if the commissioner finds that the character of the other business is such that it would facilitate evasions of this chapter or of the rules lawfully made hereunder. The commissioner may promulgate rules dealing with such other businesses.

No licensee shall transact the business or make any loan provided for by this chapter under any other name or at any other place of business than that named in the license. No licensee shall take any confession of judgment or any power of attorney. No licensee shall take any note or promise to pay that does not accurately disclose the principal amount of the loan, the time for which it is made, and the agreed rate or amount of charge, nor any instrument in which blanks are left to be filled in after execution. Nothing herein is deemed to prohibit the making of loans by mail.

Sec. 5. Minnesota Statutes 1988, section 56.131, subdivision 1, is amended to read:

Subdivision 1. [INTEREST RATES AND CHARGES.] (a) On any loan in a principal amount not exceeding \$35,000 or ten percent of a corporate licensee's contributed capital and appropriated reserves as defined in section 53.015, if greater, a licensee may contract for and receive interest, calculated according to the actuarial method, not exceeding the equivalent of the greater of any of the following:

- (1) the total of: (i) 33 percent per year on that part of the unpaid

balance of the principal amount not exceeding ~~\$350~~ \$1,000; and (ii) 19 percent per year on that part of the unpaid balance of the principal amount exceeding ~~\$350~~ \$1,000; or

(2) 21.75 percent per year on the unpaid balance of the principal amount.

(b) On any loan where interest has been calculated according to the method provided for in paragraph (a), clause (1), interest must be contracted for and earned as provided in that provision or at the single annual percentage rate computed to the nearest 1/100 of one percent that would earn the same total interest at maturity of the contract as would be earned by the application of the graduated rates provided in paragraph (a), clause (1), when the debt is paid according to the agreed terms and the calculations are made according to the actuarial method.

(c) Loans may be interest-bearing or precomputed.

(d) To compute time on interest-bearing and precomputed loans, including, but not limited to the calculation of interest, a day is considered 1/30 of a month when calculation is made for a fraction of a calendar month. A year is 12 calendar months. A calendar month is that period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date, to the last day of the following month. When a period of time includes a whole month and a fraction of a month, the fraction of a month is considered to follow the whole month.

In the alternative, for interest-bearing loans, a licensee may charge interest at the rate of 1/365 of the agreed annual rate for each actual day elapsed.

(e) With respect to interest-bearing loans:

(1) Interest must be computed on unpaid principal balances outstanding from time to time, for the time outstanding. Each payment must be applied first to the accumulated interest and the remainder of the payment applied to the unpaid principal balance; provided however, that if the amount of the payment is insufficient to pay the accumulated interest, the unpaid interest continues to accumulate to be paid from the proceeds of subsequent payments and is not added to the principal balance.

(2) Interest must not be payable in advance or compounded. However, if part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the new loan contract may include any unpaid interest which has accrued. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of

unearned interest as provided in paragraph (f), clause (3). The resulting loan contract is deemed a new and separate loan transaction for all purposes.

(f) With respect to precomputed loans:

(1) Loans must be repayable in substantially equal and consecutive monthly installments of principal and interest combined, except that the first installment period may be more or less than one month by not more than 15 days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days and must be reduced by the amount of interest for the number of days less than one month to the first installment payment; and monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until the loan is fully paid. Payments must be applied in the order in which they become due.

(3) When any loan contract is paid in full by cash, renewal or refinancing, or a new loan, one month or more before the final installment due date, a licensee shall refund or credit the borrower with the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, which follow the day of prepayment; if the prepayment is made other than on a scheduled payment date, the nearest scheduled installment payment date must be used in the computation; provided further, if the prepayment occurs prior to the first installment due date, the licensee may retain 1/30 of the applicable charge for a first installment period of one month for each day from the date of the loan to the date of prepayment, and shall refund or credit the borrower with the balance of the total interest contracted for. If the maturity of the loan is accelerated for any reason and judgment is entered, the licensee shall credit the borrower with the same refund as if prepayment in full had been made on the date the judgment is entered.

(4) If an installment, other than the final installment, is not paid in full within ten days of its scheduled due date, a licensee may contract for and receive a default charge not exceeding five percent of the amount of the installment, but not less than \$4.

A default charge under this subdivision may not be collected on an installment paid in full within ten days of its scheduled due date, or deferred installment due date with respect to deferred installments, even though a default or deferral charge on an earlier installment has not been paid in full. A default charge may be collected at the time it accrues or at any time thereafter.

(5) If the parties agree in writing, either in the loan contract or in

a subsequent agreement, to a deferment of wholly unpaid installments, a licensee may grant a deferment and may collect a deferment charge as provided in this section. A deferment postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled, or as previously deferred, for a period equal to the deferment period. The deferment period is that period during which no installment is scheduled to be paid by reason of the deferment. The deferment charge for a one-month period may not exceed the applicable charge for the installment period immediately following the due date of the last undeferred payment. A proportionate charge may be made for deferment for periods of more or less than one month. A deferment charge is earned pro rata during the deferment period and is fully earned on the last day of the deferment period. Should a loan be prepaid in full during a deferment period, the licensee shall make or credit to the borrower a refund of the unearned deferment charge in addition to any other refund or credit made for prepayment of the loan in full.

(6) If two or more installments are delinquent one full month or more on any due date, and if the contract so provides, the licensee may reduce the unpaid balance by the refund credit which would be required for prepayment in full on the due date of the most recent maturing installment in default. Thereafter, and in lieu of any other default or deferment charges, the single annual percentage rate permitted by this subdivision may be charged on the unpaid balance until fully paid.

(7) Following the final installment as originally scheduled or deferred, the licensee, for any loan contract which has not previously been converted to interest-bearing under paragraph (f), clause (6), may charge interest on any balance remaining unpaid, including unpaid default or deferment charges, at the single annual percentage rate permitted by this subdivision until fully paid.

Sec. 6. Minnesota Statutes 1988, section 56.131, subdivision 2, is amended to read:

Subd. 2. [ADDITIONAL CHARGES.] In addition to the charges provided for by this section and section 56.155, no further or other amount whatsoever, shall be directly or indirectly charged, contracted for, or received for the loan made, except actual out of pocket expenses of the licensee to realize on a security after default, and except for the following additional charges which may be included in the principal amount of the loan:

(a) lawful fees and taxes paid to any public officer to record, file, or release security;

(b) with respect to a loan secured by an interest in real estate, the following actual closing costs authorized in section 47.20, subdivi-

sion 2, clause (1), if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this section; provided the costs do not exceed one percent of the principal amount or \$250, whichever is greater:

(1) fees or premiums for title examination, abstract of title, title insurance, surveys, or similar purposes;

(2) fees, if not paid to the licensee, an employee of the licensee, or a person related to the licensee, for preparation of a mortgage, settlement statement, or other documents; fees for notarizing mortgages and other documents, and appraisal fees;

(c) the premium for insurance in lieu of perfecting and releasing a security interest to the extent that the premium does not exceed the fees described in paragraph (a).

Sec. 7. Minnesota Statutes 1988, section 56.131, subdivision 6, is amended to read:

Subd. 6. [DISCOUNT POINTS.] A loan made under this section that is secured by real estate and that is in a principal amount of \$7,500 or more and has a maturity of 60 months or more may contain a provision permitting discount points, if the loan does not provide a loan yield in excess of the maximum rate of interest permitted by this section. Loan yield means the annual rate of return obtained by a licensee computed as the annual percentage rate is computed under Federal Regulation Z. If the loan is prepaid in full, the licensee must make a refund to the borrower to the extent that the loan yield will exceed the maximum rate of interest provided by this section when the prepayment is taken into account.

Sec. 8. Minnesota Statutes 1988, section 56.14, is amended to read:

56.14 [DUTIES OF LICENSEE.]

Every licensee shall:

(1) deliver to the borrower (or if there are two or more borrowers to one of them) at the time any loan is made a statement making the disclosures and furnishing the information required by the federal Truth-in-Lending Act, as amended from time to time, with respect to the contract of loan. A copy of the loan contract may be delivered in lieu of a statement if it discloses the required information;

(2) deliver or mail to the borrower without request, a written receipt within 30 days following payment for each payment by coin or currency made on account of any loan wherein charges are computed and paid on unpaid principal balances for the time

actually outstanding, specifying the amount applied to charges and the amount, if any, applied to principal, and stating the unpaid principal balance, if any, of the loan; and wherein precomputed charges have been added to the principal of the loan specifying the amount of the payment applied to principal and charges combined, the amount applied to default or extension charges, if any, and stating the unpaid balance, if any, of the precomputed loan contract. A periodic statement showing a payment received by mail complies with this clause;

(3) permit payment to be made in advance in any amount on any contract of loan at any time, but the licensee may apply the payment first to all charges in full at the agreed rate up to the date of the payment;

(4) upon repayment of the loan in full, mark indelibly every obligation and security, other than a mortgage or security agreement which secures a new loan to the licensee, signed by the borrower with the word "Paid" or "Canceled," and release any mortgage or security agreement which no longer secures a loan to the licensee, restore any pledge, and cancel and return any note, and any assignment given to the licensee which does not secure a new loan to the licensee within 20 days after the repayment;

(5) display prominently in each licensed place of business a full and accurate schedule, to be approved by the commissioner, of the charges to be made and the method of computing the same; furnish a copy of the contract of loan to any person obligated on it or who may become obligated on it at any time upon the request of that person;

(6) show in the loan contract or statement of loan the rate or rates of charge on which the charge in the contract is based, expressed in terms of rate or rates per annum. The rate expression shall be printed in at least 8-point type on the loan statement or copy of the loan contract given to the borrower.

Sec. 9. Minnesota Statutes 1988, section 168.71, is amended to read:

168.71 [RETAIL INSTALLMENT CONTRACTS.]

(a)(1) Every retail installment contract shall be in writing, shall contain all the agreements of the parties, shall be signed by the retail buyer and seller, and a copy thereof shall be furnished to such retail buyer at the time of the execution of the contract.

(2) No provisions for confession of judgment or power of attorney therefor contained in any retail installment contract or contained in a separate agreement relating thereto, shall be valid or enforceable.

(3) The holder of a precomputed retail installment contract may, if the contract so provides, collect a delinquency and collection charge on each installment in arrears for a period not less than ten days in an amount not in excess of five percent of each installment or \$5, whichever is the less greater. In addition to such delinquency and collection charge, the retail installment contract, whether interest-bearing or precomputed, may provide for the payment of attorneys' fees not exceeding 15 percent of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employee of the holder of the contract for collection plus the court costs.

(4) Unless written notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

(5) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

(b) The retail installment contract shall contain the following items:

(1) The cash sale price of the motor vehicle which is the subject matter of the retail installment contract;

(2) The total amount of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods;

(3) The difference between items one and two;

(4) The charge, if any, included in the transaction for any insurance and other benefits not included in clause (1), specifying the types of coverage and taxes, fees, and charges that actually are or will be paid to public officials or government agencies, including those for perfecting, releasing, or satisfying a security interest if such taxes, fees, or charges are not included in clause (1);

(5) Principal balance, which is the sum of items three and four;

(6) The amount of the finance charge;

(7) The total of payments payable by the retail buyer to the retail seller and the number of installment payments required and the amount of each installment expressed in dollars or percentages, and

date of each payment necessary finally to pay the total of payments which is the sum of item five and item six.

Provided, however, that said items one to seven inclusive need not be stated in the terms, sequence or order set forth above. Provided further, that clauses (6) and (7) may be disclosed on the assumption that all scheduled payments under the contract will be made when due.

In lieu of the above clauses, the retail seller may give the retail buyer disclosures which satisfy the requirements of the Federal Truth-In-Lending Act in effect as of the time of the contract, notwithstanding whether or not that act applies to the transaction.

(c) Every retail seller or sales finance company, if a charge for insurance on the motor vehicle is included in a retail installment contract shall within 30 days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of the insurance. The buyer of a motor vehicle under a retail installment contract shall have the privilege of purchasing such insurance from an agent or broker of the buyer's own selection and selecting an insurance company mutually acceptable to the seller and the buyer; provided, however, that the inclusion of the cost of the insurance premium in the retail installment contract when the buyer selects the agent, broker or company, shall be optional with the seller.

(d) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be mutually agreed upon between them.

(e) An acknowledgment by the retail buyer of the delivery of any such copy or notice as required in subsection (a) contained in the body of the statement or contract shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to commerce; industrial loan and thrift companies; regulating lending practices; prescribing the qualifications of the directors of certain companies; regulating the lending

practices of regulated lenders; specifying the loan fees and charges that may be imposed by regulated lenders; regulating delinquency and collection charges on retail installment contracts; regulating mortgage foreclosure notices; amending Minnesota Statutes 1988, sections 53.04, subdivision 3a, and by adding a subdivision; 53.06; 56.12; 56.131, subdivisions 1, 2, and 6; 56.14; 168.71; and 580.03."

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 1123, as amended, as follows:

Page 6, lines 10 and 11, delete "\$1,000" and insert "\$800"

Pages 9 and 10, delete section 6

Page 10, after line 19, insert:

"Sec. 6. Minnesota Statutes 1988, section 56.131, subdivision 4, is amended to read:

Subd. 4. [ADJUSTMENT OF DOLLAR AMOUNTS.] (a) The dollar amounts in this section, not including subdivision 1(a)(1), sections 56.01 and 56.12 shall change periodically, as provided in this section, according to and to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States Department of Commerce, and hereafter referred to as the index. The index for December, 1980 is the reference base index for adjustments of dollar amounts, except that the index for December, 1984 is the reference base index for the minimum default charge of \$4.

(b) The designated dollar amounts shall change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more, but;

(1) the portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts appearing in Laws 1981, chapter 258 on the date of enactment; and

(2) the dollar amounts shall not change if the amounts required by this section are those currently in effect pursuant to Laws 1981, chapter 258 as a result of earlier application of this section.

(c) If the index is revised, the percentage of change pursuant to this section shall be calculated on the basis of the revised index. If a

revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if that person relies on dollar amounts either determined according to paragraph (b), clause (2) or appearing in the last publication of the commissioner announcing the then current dollar amounts.

(f) The adjustments provided in this section shall not be affected unless explicitly provided otherwise by law."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete "2," and insert "4,"

The motion prevailed and the amendment was adopted.

Carlson, L., moved to amend S. F. No. 1123, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 1988, section 49.24, subdivision 9, is amended to read:

Subd. 9. [DIVIDENDS ON CLAIMS.] At any time after the expiration of the date fixed for the presentation of claims the commissioner may, out of the funds remaining on hand after the payment of expenses and amounts due to depositors, declare one or

more dividends, and after the expiration of one year from the first publication of notice to creditors, may declare a final dividend, such dividends to be paid to such persons in such amounts as may be directed by the district court.

If any dividend on any claim shall be less than \$1, the commissioner may hold that dividend until it with subsequent dividends amounts to the sum of \$1 or more. The commissioner shall pay all dividends so withheld with the final dividend."

Page 12, after line 9, insert:

"Sec. 10. Minnesota Statutes 1988, section 56.155, subdivision 2, as amended by Laws 1989, chapter 166, section 27, if enacted during the 1989 regular legislative session, is amended to read:

Subd. 2. [PROPERTY INSURANCE.] A licensee may require the obligors to provide insurance on real or personal property security against reasonable risks of loss, damage, and destruction. The amount and term of the insurance shall be reasonable in relation to the value of the security ~~and, but the amount and term of the insurance shall not exceed the principal amount of the loan less any existing insurance, including homeowner's insurance as defined by section 65A.27, subdivision 4, on the secured property as to which the lender has been provided a loss payable clause and term of the loan, except that the lender may insure or arrange for insurance not to exceed the reasonable value of any motor vehicle collateral less any existing insurance on the motor vehicle as to which the lender has been provided a loss payable clause. The term of the insurance shall also be reasonable in relation to the value of the security and shall not exceed the term of the loan.~~ The restrictions contained in this subdivision shall not apply to the sale or provision of homeowner's insurance as defined in section 65A.27. In all cases when insurance is offered the obligor shall be informed that the obligor has the option of providing insurance through existing policies of insurance that the obligor owns or controls, or by procuring and furnishing the offered coverage through any insurer authorized to transact an insurance business within this state. The purchase of such insurance through the licensee or from an agent, broker, or insurer specified by the licensee shall not be required."

Page 14, line 35, after "9" insert "and 11"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, after the semicolon insert "financial institutions; regulating dividends on claims in liquidation proceedings;"

Page 1, line 13, before the period insert "amending Minnesota Statutes 1988, section 56.155, subdivision 2, as amended"

The motion prevailed and the amendment was adopted.

Dawkins moved to amend S. F. No. 1123, as amended, as follows:

Page 12, after line 9, insert:

"Sec. 9. Minnesota Statutes 1988, section 56.155, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] No licensee shall, directly or indirectly, sell or offer for sale any insurance in connection with any loan made under this chapter except as and to the extent authorized by this section. The sale of credit life and credit accident and health insurance is subject to the provisions of chapter 62B, except that the term of the insurance may exceed 60 months if the term of the loan exceeds 60 months. Credit life, credit accident and health insurance, or any of them, may be written upon or in connection with any loan but must not be required as additional security for the indebtedness. If the debtor chooses to procure credit life insurance or credit accident and health insurance as security for the indebtedness, the debtor shall have the option of furnishing this security through existing policies of insurance that the debtor owns or controls, or of furnishing the coverage through any insurer authorized to transact business in this state. A statement in substantially the following form must be made orally and provided in writing in bold face type of a minimum size of 12 points to the borrower before the transaction is completed for each credit life and accident and health insurance coverage sold:

CREDIT LIFE INSURANCE AND CREDIT DISABILITY INSURANCE ARE NOT REQUIRED TO OBTAIN CREDIT. YOU MAY BUY ANY INSURANCE FROM ANYONE YOU CHOOSE OR YOU MAY USE EXISTING INSURANCE.

The licensee shall disclose whether or not the benefits commence as of the first day of disability and shall further disclose the number of days that an insured obligor must be disabled, as defined in the policy, before benefits, whether retroactive or nonretroactive, commence. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit accident and health benefits may be procured by or through a licensee upon more than one of the obligors. In case there are multiple obligors under a transaction subject to this chapter, no policy or certificate of insurance providing credit life insurance may be procured by or through a licensee upon more than two of the obligors in which case they shall be insured jointly. The premium or identifiable charge for the insurance must not exceed that filed by

the insurer with the department of commerce. The charge, computed at the time the loan is made for a period not to exceed the full term of the loan contract on an amount not to exceed the total amount required to pay principal and charges, may be deducted from the proceeds or may be included as part of the principal of any loan. If a borrower procures insurance by or through a licensee, the statement required by section 56.14 must disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. No licensee shall decline new or existing insurance which meets the standards set out in this section nor prevent any obligor from obtaining this insurance coverage from other sources. Notwithstanding any other provision of this chapter, any gain or advantage to the licensee or to any employee, affiliate, or associate of the licensee from this insurance or the sale or provision thereof is not an additional or further charge in connection with the loan; nor are any of the provisions pertaining to insurance contained in this section prohibited by any other provision of this chapter."

Renumber sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dawkins moved to amend S. F. No. 1123, as amended, as follows:

Page 12, delete section 9

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

Dawkins moved to amend S. F. No. 1123, as amended, as follows:

Page 14, after line 33, insert:

"Sec. 10. Minnesota Statutes 1988, section 56.18, is amended to read:

56.18 [UNLICENSED PERSONS NOT TO MAKE LOANS PROHIBITION AGAINST UNLAWFUL INTEREST.]

No person, including a licensee, except as authorized in this chapter, shall, directly or indirectly, charge, contract for, or receive any interest, discount, or consideration greater than the lender would be permitted by law to charge if that person were not authorized hereunder upon the loan, use, or forbearance of money,

goods, or things in action, or upon the loan, use, or sale of credit of the amount regulated by this chapter.

The foregoing prohibition shall apply to any person who, by any device, subterfuge, or pretense, shall charge, contract for, or receive greater interest, consideration, or charges than is authorized by this chapter for any such loan, use or forbearance of money, goods, or things in action, or for any such loan, use or sale of credit.

No loan made by a person not authorized hereunder in an amount regulated by this chapter for which a greater rate of interest, consideration, or charges than is permitted by the laws of this state has been charged, contracted for, or received, wherever made, shall be enforced by a licensee in this state, and every person in anywise participating therein in this state shall be subject to the provisions of this chapter, provided, that the foregoing shall not apply to loans legally made in another state."

Re-number the remaining section in sequence

Correct internal cross-references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dawkins amendment and the roll was called. There were 113 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dempsey
ForsytheFrerichs
HugosonMiller
SeabergWaltman
Weaver

The motion prevailed and the amendment was adopted.

Scheid moved to amend S. F. No. 1123, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 1988, section 48.61, is amended by adding a subdivision to read:

Subd. 7. [PARITY WITH NATIONAL BANKS.] A state bank or trust company may invest in any securities that are authorized investments for national banks on the effective date of this section, subject to the same restrictions as apply to national banks. The commissioner may authorize a state bank or trust company to invest in any securities that become authorized investments for national banks after the effective date of this section, subject to the same restrictions as apply to national banks. This authority is in addition to the investment authority granted to state banks under other provisions of state law."

Page 14, after line 33, insert:

"Sec. 11. Minnesota Statutes 1988, section 514.19, is amended to read:

514.19 [RIGHT OF DETAINER.]

Subdivision 1. [CREATED.] A lien and right of detainer exists for:

(1) Transporting property from one place to another but not as a carrier under article 7 of the Uniform Commercial Code;

(2) Keeping or storing property as a bailee but not as a warehouse operator under article 7 of the Uniform Commercial Code;

(3) Keeping, feeding, pasturing, or otherwise caring for domestic animals or other beasts, including medical or surgical treatment and shoeing;

(4) The use and storage of molds and patterns in the possession of the fabricator belonging to the customer for the balance due from the customer for fabrication work;

(5) Making, altering or repairing any article, or expending any labor, skill or material on it.

The liens embrace all lawful charges against the property paid to any other person by the person claiming the lien, and the price or value of the care, storage or contribution and all reasonable disbursements occasioned by the detention or sale of the property.

Subd. 2. [STORAGE LIEN NOTICE.] The lien and right of detainer for keeping or storing property under subdivision 1, clause (2), is not enforceable against a person with a perfected security interest in the property, unless written notice is given to the secured party within ten days after the lien attaches."

Page 14, line 35, delete "9" and insert "11"

Renumber the sections in sequence

Amend the title, as amended by the Scheid amendment, as follows:

Page 15, line 11, after "sections" insert "48.61, by adding a subdivision;"

Page 15, line 13, delete "580.03" and insert "514.19"

The motion prevailed and the amendment was adopted.

S. F. No. 1123, A bill for an act relating to commerce; authorizing certain investments by state banks; regulating lending practices of industrial loan and thrifts; prescribing the qualifications of the directors of certain companies; regulating the lending practices of regulated lenders; regulating delinquency and collection charges on retail installment contracts; requiring notice to perfect certain storage liens; amending Minnesota Statutes 1988, sections 48.61, by adding a subdivision; 53.04, by adding a subdivision; 53.06; 56.12; 168.71; and 514.19.

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 61 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Himle	Lieder	Miller
Bauerly	Frerichs	Hugoson	Limmer	Morrison
Bennett	Girard	Jennings	Lynch	Neuenschwander
Bertram	Gutknecht	Johnson, V.	Macklin	Olsen, S.
Boo	Hartle	Kalis	Marsh	Olson, E.
Burger	Haukoos	Kelso	McDonald	Omann
Dempsey	Heap	Kinkel	McGuire	Osthoff
Forsythe	Henry	Knickerbocker	McPherson	Ozment

Pauly	Redalen	Schreiber	Tjornhom	Wynia
Pellow	Richter	Seaberg	Tunheim	
Pelowski	Runbeck	Segal	Valento	
Poppenhagen	Schafer	Stanius	Waltman	
Pugh	Scheid	Swiggum	Weaver	

Those who voted in the negative were:

Battaglia	Dille	Krueger	Orenstein	Simoneau
Beard	Greenfield	Lasley	Ostrom	Skoglund
Begich	Gruenes	Long	Otis	Solberg
Blatz	Hasskamp	McEachern	Pappas	Sparby
Brown	Jacobs	McLaughlin	Peterson	Steensma
Carlson, D.	Janezich	Milbert	Price	Tompkins
Carlson, L.	Jaros	Munger	Quinn	Trimble
Carruthers	Jefferson	Murphy	Reding	Wagenius
Clark	Johnson, A.	Nelson, C.	Rest	Welle
Conway	Johnson, R.	O'Connor	Rice	Wenzel
Cooper	Kahn	Ogren	Rodosovich	Williams
Dauner	Kelly	Olson, K.	Rukavina	Winter
Dawkins	Kostohryz	Onnen	Sarna	Spk. Vanasek

The bill was not passed, as amended.

S. F. No. 738 was reported to the House.

Olson, E., moved that S. F. No. 738 be temporarily laid over on Special Orders. The motion prevailed.

H. F. No. 404 was reported to the House.

Johnson, R., moved that H. F. No. 404 be continued on Special Orders. The motion prevailed.

The Speaker resumed the Chair.

H. F. No. 723, A bill for an act relating to veterans; providing for establishment of a veterans home in Luverne; requiring a study; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 198.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bennett	Brown	Carlson, L.
Anderson, G.	Beard	Bertram	Burger	Carruthers
Battaglia	Begich	Boo	Carlson, D.	Clark

Conway	Johnson, V.	Miller	Pellow	Simoneau
Cooper	Kahn	Morrison	Pelowski	Skoglund
Dauner	Kalis	Munger	Peterson	Solberg
Dawkins	Kelly	Murphy	Poppenhagen	Sparby
Dille	Kelso	Nelson, C.	Price	Stanisus
Dorn	Kinkel	Nelson, K.	Pugh	Steensma
Forsythe	Knickerbocker	Neuenschwander	Quinn	Sviggum
Frederick	Kostohryz	O'Connor	Redalen	Tjornhom
Girard	Krueger	Ogren	Reding	Tompkins
Greenfield	Lasley	Olsen, S.	Rest	Trimble
Gutknecht	Lieder	Olsen, E.	Rice	Tunheim
Hartle	Limmer	Olson, K.	Richter	Valento
Hasskamp	Long	Omann	Rodosovich	Vellenga
Haukoos	Macklin	Onnen	Rukavina	Wagenius
Heap	Marsh	Orenstein	Runbeck	Waltman
Hugoson	McDonald	Osthoff	Sarna	Weaver
Jacobs	McEachern	Ostrom	Schafer	Welle
Janezich	McGuire	Otis	Scheid	Wenzel
Jaros	McLaughlin	Ozment	Schreiber	Winter
Johnson, A.	McPherson	Pappas	Seaberg	Wynia
Johnson, R.	Milbert	Pauly	Segal	Spk. Vanasek

Those who voted in the negative were:

Blatz	Gruenes	Himle
Frerichs	Henry	Lynch

The bill was passed and its title agreed to.

Rodosovich moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Rodosovich 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 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. 1408, A bill for an act relating to metropolitan transit;

requiring joint planning for light rail transit; establishing a joint planning board; requiring approval of light rail transit plans by the regional transit board; specifying the composition of the regional transit board and the metropolitan transit commission; changing various provisions relating to metropolitan transit programs and authorities; amending Minnesota Statutes 1988, sections 398A.04, subdivision 9; 473.169, subdivisions 1, 3, 4, and 5; 473.17; 473.373, subdivisions 1a, 4, 5, and by adding a subdivision; 473.375, subdivisions 8 and 13; and 473.404, subdivisions 2, 3, and 5; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1988, sections 473.1691 and 473.398.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carruthers moved that the House refuse to concur in the Senate amendments to H. F. No. 1408, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1408:

Carruthers, McLaughlin and Valento.

MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

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

H. F. No. 341, A bill for an act relating to public safety; proposing the emergency planning and community right-to-know act; requiring reports on hazardous substances and chemicals; creating an emergency response commission; providing penalties; amending Minnesota Statutes 1988, section 609.671, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

The Senate has appointed as such committee:

Messrs. Merriam, Stumpf and Frederickson, D. R.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 796, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public waters in Pine and Fillmore counties.

The Senate has appointed as such committee:

Messrs. Chmielewski, Schmitz and Gustafson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1155, A bill for an act relating to insurance; life and health; regulating policy and contract provisions, coverages, certain cost-containment mechanisms, cancellations and nonrenewals, trade and marketing practices, and remedies in these and other lines; making technical changes; amending Minnesota Statutes 1988, sections 45.025, subdivision 8; 45.027, subdivision 7; 45.028, subdivision 1; 61A.011, subdivision 1; 61A.092, subdivision 3; 61B.03, subdivision 6; 62A.01; 62A.041; 62A.08; 62A.09; 62A.15, subdivision 3a; 62A.17, subdivision 2; 62A.46, by adding a subdivision; 62A.48, subdivision 1; 62B.01; 62B.04, subdivision 1; 62D.12, by adding a subdivision; 62E.06, subdivision 1; 72A.20, subdivision 15, and by adding subdivisions; 72A.325; and 149.11; proposing coding for new law in Minnesota Statutes, chapters 60A; 62A; 65A; and 72A; repealing Minnesota Statutes 1988, sections 60A.23, subdivision 7; and 72A.13, subdivision 2.

The Senate has appointed as such committee:

Ms. Peterson, D. C.; Messrs. Solon and Laidig.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 193, A bill for an act relating to crimes; providing that an offender may not demand execution of sentence except under certain circumstances; requiring the board of pardons to meet at least twice each year; amending Minnesota Statutes 1988, sections 609.135, by adding a subdivision; and 638.04.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 300, A bill for an act relating to occupational safety and health; increasing certain penalties; proposing changes to the employee right-to-know act of 1984; amending Minnesota Statutes 1988, sections 182.651, subdivisions 7, 14, 15, and by adding a subdivision; and 182.653, subdivisions 4b, 4c, and 4f; repealing Minnesota Statutes 1988, section 182.651, subdivision 16.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 412, A bill for an act relating to education; changing the definitions of teachers and of supervisory and support personnel for the purpose of licensure; changing the kinds of personnel licensed by the board of teaching and the state board of education; changing the composition of the board of teaching; providing for teacher performance effectiveness plans; amending Minnesota Statutes 1988, sections 125.03, subdivisions 1 and 4; 125.05, subdivisions 1 and 2; 125.08; and 125.183, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 125.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 472, A bill for an act relating to transportation; motor carriers; increasing maximum length of certain semitrailers; defining mobile cranes and providing for their maximum length; requiring a highway cost allocation study; amending Minnesota Statutes 1988, sections 169.01, by adding a subdivision; 169.81, subdivision 2; and 169.86, subdivision 5.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 489, A bill for an act relating to employment; regulating fair share fees, unfair labor practices, arbitration procedures and grievance procedures; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179A.03, subdivision 7; 179A.05, subdivision 6; 179A.06, subdivision 3; 179A.13, subdivision 1; 179A.14, subdivision 1; 179A.16, subdivisions 1, 2, 3, and 4; and 179A.20, subdivision 4.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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 Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

ADJOURNMENT

Rodosovich moved that when the House adjourns today it adjourn until 12:00 noon, Friday, May 19, 1989. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Friday, May 19, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives