

## STATE OF MINNESOTA

## SEVENTY-SEVENTH SESSION—1991

## TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 13, 1991

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

Prayer was offered by Representative Kris Hasskamp, District 13A, Crosby, Minnesota.

The roll was called and the following members were present:

Abrams	Frerichs	Kinkel	Ogren	Seaberg
Anderson, I.	Garcia	Knickerbocker	Olsen, S.	Segal
Anderson, R.	Girard	Koppendrayer	Olson, E.	Simoneau
Anderson, R. H.	Goodno	Krinkie	Olson, K.	Skoglund
Battaglia	Greenfield	Krueger	Omann	Smith
Beard	Gruenes	Lasley	Onnen	Solberg
Begich	Gutknecht	Leppik	Orenstein	Sparby
Bertram	Hartle	Lieder	Orfield	Stanius
Bettermann	Hasskamp	Limmer	Osthoff	Steenma
Blatz	Haukoos	Long	Ostrom	Svigum
Bodahl	Hausman	Lourey	Ozment	Swenson
Boo	Heir	Lynch	Pauly	Thompson
Brown	Henry	Macklin	Pellow	Tompkins
Carlson	Hufnagle	Mariani	Pelowski	Trimble
Carruthers	Hugoson	Marsh	Peterson	Tunheim
Clark	Jacobs	McEachern	Pugh	Uphus
Cooper	Janezich	McGuire	Reding	Valento
Dauner	Jaros	McPherson	Rest	Vellenga
Davids	Jefferson	Milbert	Rice	Wagenius
Dawkins	Jennings	Morrison	Rodosovich	Waltman
Dempsey	Johnson, A.	Munger	Rukavina	Weaver
Dille	Johnson, R.	Murphy	Runbeck	Welker
Dorn	Johnson, V.	Nelson, K.	Sarna	Welle
Erhardt	Kahn	Nelson, S.	Schafer	Wenzel
Farrell	Kalis	Newinski	Scheid	Winter
Frederick	Kelso	O'Connor	Schreiber	Spk. Vanasek

A quorum was present.

Bauerly and Wejcman were excused.

Hanson was excused until 3:00 p.m. Bishop was excused until 3:20 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

S. F. No. 7 and H. F. No. 116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Pugh moved that the rules be so far suspended that S. F. No. 7 be substituted for H. F. No. 116 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 246 and H. F. No. 148, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Dawkins moved that S. F. No. 246 be substituted for H. F. No. 148 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Clark from the Committee on Housing to which was referred:

H. F. No. 27, A bill for an act relating to housing; authorizing community land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through community land trusts; appropriating money; amending Minnesota Statutes 1990, sections 273.124, by adding a subdivision; 462A.03, by adding a subdivision; 462A.057, subdivisions 2, 8, and 9; 462A.21, by adding a subdivision; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## “ARTICLE 1

## NEIGHBORHOOD LAND TRUSTS

## Section 1. [462A.30] |DEFINITIONS. |

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 7.

Subd. 2. [AGENCY.] “Agency” means the Minnesota housing finance agency.

Subd. 3. [FIRST OPTION TO PURCHASE.] “First option to purchase” means a right of a neighborhood land trust or the agency to purchase all or any portion of the improvements and leasehold interest of a lessee, sublessee, or other resident of property subject to a ground lease, prior to the rights of any other party and at a limited equity price.

Subd. 4. [GROUND LEASE.] “Ground lease” means a lease of real property in which the lease does not include buildings or other improvements.

Subd. 5. [LEASEHOLD INTEREST.] “Leasehold interest” means the real property interest of a lessee in a ground lease in which the neighborhood land trust is the lessor.

Subd. 6. [LIMITED EQUITY FORMULA.] “Limited equity formula” means a method, to be determined by rule adopted by the agency, for calculation of the limited equity price, designed to maintain the affordability of the housing and the public subsidy.

Subd. 7. [LIMITED EQUITY PRICE.] “Limited equity price” means a price for the sale of any building or other improvement located on land owned by a neighborhood land trust determined by means of the limited equity formula.

Subd. 8. [NEIGHBORHOOD LAND TRUST.] “Neighborhood land trust” means a nonprofit corporation organized under chapter 317A that complies with section 2 and that qualifies for tax exempt status under United States Code, title 26, section 501(c)(3), and meets all other criteria for neighborhood land trust set by the agency.

Subd. 9. [PERSONS AND FAMILIES OF LOW AND MODERATE INCOME.] “Persons and families of low and moderate income” has the meaning specified in section 462A.03, subdivision 10.

## Sec. 2. [462A.31] |NEIGHBORHOOD LAND TRUSTS. |

Subdivision 1. [PURPOSES.] A neighborhood land trust must have as one of its purposes the holding of land and the leasing of land for the purpose of preserving the affordability of housing on that land for persons and families of low and moderate income.

Subd. 2. [POWERS.] A neighborhood land trust may have any or all of the powers permitted to a nonprofit corporation under chapter 317A, except that a neighborhood land trust must have the power to buy and sell land, to mortgage and otherwise encumber land, and to negotiate and enter into ground leases with an initial term of up to 99 years.

Subd. 3. [BYLAWS.] The bylaws of a neighborhood land trust must provide that:

(1) members of the general public who support the neighborhood land trust's purposes may become members of the trust;

(2) no more than 30 percent of the members may reside outside of the geographical area in which the neighborhood land trust operates, as specified in the bylaws;

(3) the membership has the power to elect a specified percentage of not less than 51 percent of the members of the governing board of the neighborhood land trust;

(4) lessees, residents of housing located on land owned by the neighborhood land trust, or representatives of either must constitute no less than 25 percent nor more than 40 percent of the membership of the governing board;

(5) remaining members of the governing board, if any, may be appointed by the neighborhood land trust board, to the extent specified in the bylaws; and

(6) the neighborhood land trust has the power to operate only within a geographical area specified in the bylaws.

### Sec. 3. [462A.32] [LEASES.]

Subdivision 1. [LESSEES.] A neighborhood land trust shall hold title to and lease land to persons and families of low and moderate income or to other persons or corporations for purposes consistent with the goals of the neighborhood land trust.

Subd. 2. [RENT.] A neighborhood land trust may charge rent to the lessee in an amount to be determined by a method specified in the lease. The rent may include, but need not be limited to, land acquisition costs, real estate taxes, special assessments, an administrative charge, and a land use fee. The rent charged must take into

account any homestead real estate tax status granted to the property.

Subd. 3. [RESTRICTIONS.] A ground lease in which a neighborhood land trust is the lessor must contain provisions designed to preserve the affordability of housing on the land. Each ground lease must reserve to the neighborhood land trust the first option to purchase any building or improvement on the land, or any condominium or cooperative unit located in a building on the land, at a limited equity price specified in the ground lease. Each ground lease must grant to the Minnesota housing finance agency the right to exercise that first option to purchase if the neighborhood land trust does not, for any reason, exercise the first option. Each ground lease must exempt sales to persons and families of low and moderate income from the provisions granting the first option to purchase to the neighborhood land trust and to the Minnesota housing finance agency. Sales to persons and families of low and moderate income are not exempt from the limited equity price. A ground lease may also contain appropriate restrictions on:

- (1) subletting or assigning the ground lease;
- (2) construction and renovation of buildings and other improvements; and
- (3) sale of buildings and improvements.

Subd. 4. [MORTGAGES.] (a) A ground lease with a neighborhood land trust must prohibit the lessee from mortgaging the lessee's interest in the lease or in buildings or other improvements without the consent of the neighborhood land trust. A ground lease may obligate a neighborhood land trust as lessor and fee title holder to consent to, join in, or subordinate its interest to, a mortgage entered into by a lessee as mortgagor for the purpose of obtaining financing for construction or renovation of housing on the land. A lease provision so obligating a neighborhood land trust must specify that the mortgage must provide to the neighborhood land trust the right to receive from the mortgagee prompt notice of default in the mortgage and the right to cure the default or to purchase the mortgagee's interest in the mortgage. The limited equity price and provisions in subdivision 3 do not apply if the lessee or the neighborhood land trust fails to cure the default or purchase the mortgagee's interest in the mortgage.

(b) A ground lease with a neighborhood land trust must provide that the neighborhood land trust will not, during the term of the lease, mortgage or otherwise encumber its interest in the property or permit any liens on its interest in the property to exist. This prohibition does not apply to mortgages that require the mortgagee to subordinate the lien of its mortgage to a mortgage entered into by

a lessee as mortgagor for the purpose of obtaining financing for construction or renovation of housing on the land.

Subd. 5. [RIGHTS OF HEIRS.] A ground lease with a neighborhood land trust must provide that the heirs of the lessee may assume the lease, if the heirs agree to occupy the lease property as their homestead. For purposes of this subdivision, "the heirs" means the heirs at law of a lessee who dies intestate or the devisees of a lessee who dies testate.

Sec. 4. [462A.33] [NOTICE OF LEASE.]

A neighborhood ground lease must be in recordable form and may, but need not be, recorded in the office of the county recorder or filed in the office of the county registrar of titles. If the lease is not recorded or filed, the lessee shall record or file a notice of lease on a form to be prepared and made available by the agency. The notice of lease must state the names and addresses of the lessor and lessee, the beginning date and initial term of the lease, and a legal description of the property. The notice of lease must state that the lease is entered into pursuant to this chapter, must be signed by the lessor and lessee, and must be in recordable form.

Sec. 5. [462A.34] [DISSOLUTION.]

If a neighborhood land trust is dissolved, the procedure is governed by chapter 317A, except as otherwise provided in this section. If a receiver is to be appointed, the agency has priority to be appointed or to designate the appointee. The agency need not exercise its priority.

Sec. 6. [462A.35] [MORTGAGE SECURING LOANS TO TRUST.]

A neighborhood land trust may grant a mortgage on real estate to secure repayment of loans obtained from the state, any of its agencies or subdivisions, or any other entity, for the purpose of purchase, construction, or renovation of that real estate. Any such mortgage must comply with section 462A.32, subdivision 4, paragraph (b).

Sec. 7. [462A.36] [CITY OR HOUSING AUTHORITY MAY ACT AS LAND TRUST.]

Any home rule charter or statutory city, except cities of the first class, or any housing and redevelopment authority as defined by chapter 469 may exercise all of the powers granted in this chapter to neighborhood land trusts, subject to the city's or housing and redevelopment authority's ongoing compliance with all of the requirements of this chapter, except to the extent that compliance

with this chapter clearly conflicts with other law governing cities or housing and redevelopment authorities.

## ARTICLE 2

### FUNDING FOR NEIGHBORHOOD LAND TRUSTS

Section 1. Minnesota Statutes 1990, section 116J.984, subdivision 1, is amended to read:

Subdivision 1. [COMMUNITY AND NEIGHBORHOOD DEVELOPMENT GRANTS.] The commissioner may award matching grants to eligible organizations. Grants to any one eligible organization may not exceed \$25,000 in any fiscal year and a grant may not be used for any purpose that replaces an existing community program identified by the commissioner. Each grant must be matched with at least two dollars of nonstate money or in-kind contributions to each dollar of grant money. The grants may be used for community or neighborhood public safety and human service activities, street and public property lighting, recycling efforts, repair or removal of dilapidated buildings, community or neighborhood beautification and cleanup, historic preservation of buildings, small scale park and open space development, increasing or preserving the availability of housing primarily serving low- or moderate-income persons, organizing or funding neighborhood land trusts, and other projects, programs, or activities that the commissioner determines will improve or revitalize the community or neighborhood.

Sec. 2. Minnesota Statutes 1990, section 116J.984, subdivision 5, is amended to read:

Subd. 5. [APPLICATIONS; PRIORITY.] The commissioner may establish criteria to establish the priority of the applications received for grants awarded under subdivision 1. The criteria may include:

(1) the degree of community support measured by the amount of participation in the project or activities by volunteers;

(2) the extent that the eligible organizations have participated with or solicited input from other organizations that provide community and regional assistance;

(3) the amount of nonstate matching funds identified as available for the project or activities; ~~and~~

(4) the degree to which the project will assure the long-term

affordability of neighborhood housing by use of a neighborhood land trust; and

(5) any other criteria the commissioner determines necessary to carry out the purposes of this section.

Sec. 3. Minnesota Statutes 1990, section 273.124, is amended by adding a subdivision to read:

Subd. 3b. [NEIGHBORHOOD LAND TRUSTS.] When one or more buildings which contain one or more dwelling units are on land owned by a neighborhood land trust organized under article 1, the neighborhood land trust qualifies for homestead treatment, as class 1a under section 273.13, subdivision 22. Homestead treatment may be claimed for each dwelling, or for each dwelling unit in buildings containing several dwelling units, that is used or intended to be used as a primary homestead by its occupants.

Sec. 4. Minnesota Statutes 1990, section 462A.02, is amended by adding a subdivision to read:

Subd. 11. It is further declared that it is in the best interests of the citizens of the state of Minnesota that public money used for the purposes of this chapter be used in a manner that best assures the long-term affordability of housing to low- and moderate-income citizens. To achieve that public purpose, the agency shall consider, in the making of grants and loans and other uses of agency resources, the degree to which such grants, loans, and other uses will assure the long-term affordability of the housing, by use of the neighborhood land trust model or other techniques.

Sec. 5. Minnesota Statutes 1990, section 462A.03, is amended by adding a subdivision to read:

Subd. 22. [NEIGHBORHOOD LAND TRUST.] "Neighborhood land trust" has the meaning specified in article 1, section 1.

Sec. 6. Minnesota Statutes 1990, section 462A.201, subdivision 2, is amended to read:

Subd. 2. [LOW-INCOME HOUSING.] The agency may, in consultation with the advisory committee, use money from the housing trust fund account to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low-income rental and limited equity cooperative housing units and homes for ownership. Projects funded under this subdivision may involve property owned by a neighborhood land trust. No more than 20 percent of available funds may be used for home ownership projects. At least 75 percent of the rental and cooperative units, and 100 percent of the homes for ownership, must be rented to



or cooperatively owned, or owned by persons and families whose income does not exceed 30 percent of the median family income for the metropolitan area as defined in section 473.121, subdivision 2. Neighborhood land trusts are eligible for both home ownership project funds and rental project funds. In making the grants, the agency shall determine the terms and conditions of repayment and the appropriate security, if any, should repayment be required. To promote the geographic distribution of grants and loans, the agency may designate a portion of the grant or loan awards to be set aside for projects located in specified congressional districts or other geographical regions specified by the agency. The agency may adopt emergency and permanent rules for awarding grants and loans under this subdivision. The emergency rules are effective for 180 days or until the permanent rules are adopted, whichever occurs first.

Sec. 7. [462A.204] [NEIGHBORHOOD LAND TRUST ACCOUNT.]

Subdivision 1. [CREATION.] (a) The neighborhood land trust account is created as a separate account in the housing development fund.

(b) The neighborhood land trust account consists of:

- (1) money appropriated or transferred from other state funds;
- (2) all interest, dividends, and pecuniary gains from investment of money of the neighborhood land trust account;
- (3) all proceeds from the sale of land purchased with money from the neighborhood land trust account; and
- (4) money made available to the agency for the purposes of the account from other sources, including the transfer of unencumbered balances from other accounts in the housing development fund.

Subd. 2. [APPLICATION OF ACCOUNT.] The agency shall make loans and grants to finance the organization of neighborhood land trusts, the purchase of land or interests in land by neighborhood land trusts, and the development of affordable housing in accordance with article 1.

Subd. 3. [AGENCY POWERS; DUTIES.] The agency shall:

- (1) establish criteria to select which organizations eligible under article 1, that apply for loans and grants under this section, receive funding;
- (2) establish priorities for funding neighborhood land trusts that

best demonstrate the ability to provide housing for people most in need;

(3) establish requirements for matching funds for loans and grants under this section;

(4) determine the circumstances, terms, and conditions under which all or any portion of a loan made under this section will be repaid; and

(5) establish appropriate security for loan repayment.

Subd. 4. [ELIGIBLE ORGANIZATIONS; CAPACITY.] An organization eligible under article 1 must demonstrate in its application to the agency that it is able to establish and operate a neighborhood land trust by having the capacity to:

(1) organize and continue a relationship with the land trust board as required by article 1;

(2) select and acquire property for a neighborhood land trust and contract with businesses or organizations for the rehabilitation or development of the neighborhood land trust property;

(3) acquire any required matching funds;

(4) link residents of neighborhood land trusts with community self-sufficiency resources; and

(5) provide property maintenance classes and other residential assistance.

Subd. 5. [TRANSFERS.] Notwithstanding section 462A.20, subdivision 3, the agency may not transfer unencumbered balances from the neighborhood land trust account to any other account in the housing development fund.

Sec. 8. [462A.37] [NEIGHBORHOOD LAND TRUST REPORTS.]

Each neighborhood land trust that receives a grant or loan from the agency must submit an annual report to the agency by December 1 of each year. The report must describe the use of grant or loan funds received.

By January 15, 1992, and each year thereafter, the agency must prepare and submit an annual report to the legislature and the governor summarizing the reports of the neighborhood land trusts.

Sec. 9. Minnesota Statutes 1990, section 469.205, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE USES OF TARGETED NEIGHBORHOOD MONEY.] The city may spend targeted neighborhood money for any purpose authorized by subdivision 1 or 2, except that: (1) an amount equal to at least 50 percent of the state payment under section 469.204 made to the city must be used for housing activities; and (2) an additional amount equal to at least ten percent of the state payment under section 469.204 may be used to organize neighborhood land trusts within the targeted neighborhood and to fund the purchase of property by neighborhood land trusts within the targeted neighborhood. Use of target neighborhood money must be authorized in a revitalization program.

Sec. 10. [APPROPRIATION.]

\$3,000,000 is appropriated from the general fund to the commissioner of the housing finance agency for the neighborhood land trust account to be available until expended."

Delete the title and insert:

"A bill for an act relating to housing; authorizing neighborhood land trusts; providing for homestead property tax status; designating sources of funding; authorizing state housing expenditures through neighborhood land trusts; appropriating money; amending Minnesota Statutes 1990, sections 116J.984, subdivisions 1 and 5; 273.124, by adding a subdivision; 462A.03, by adding a subdivision; 462A.201, subdivision 2; and 469.205, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 462A."

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 154, A bill for an act relating to the Uniform Commercial Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.

Reported the same back with the following amendments:

Page 3, delete lines 3 and 4

Page 17, after line 31, insert:

“Sec. 11. Minnesota Statutes 1990, section 336.2A-507, is amended to read:

**336.2A-507 [PROOF OF MARKET RENT: TIME AND PLACE.]**

(1) Damages based on market rent (section 336.2A-519 or 336.2A-528) are determined according to the rent for the use of the goods concerned for a lease term identical to the remaining lease term of the original lease agreement and prevailing at the ~~time of the~~ default times specified in sections 336.2A-519 and 336.2A-528.

(2) If evidence of rent for the use of the goods concerned for a lease term identical to the remaining lease term of the original lease agreement and prevailing at the times or places described in this article is not readily available, the rent prevailing within any reasonable time before or after the time described or at any other place or for a different lease term which in commercial judgment or under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the difference, including the cost of transporting the goods to or from the other place.

(3) Evidence of a relevant rent prevailing at a time or place or for a lease term other than the one described in this article offered by one party is not admissible unless and until the party has given the other party notice the court finds sufficient to prevent unfair surprise.

(4) If the prevailing rent or value of any goods regularly leased in any established market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of that market are admissible in evidence. The circumstances of the preparation of the report may be shown to affect its weight but not its admissibility.”

Page 21, line 3, delete everything after “lease”

Page 21, line 4, delete “consumer lease”

Page 28, line 30, delete everything after “336.2A-528.”

Page 28, after line 30, insert:

"Sec. 21. [336.2A-532] [LESSOR'S RIGHT TO RESIDUAL INTEREST.]"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 236, A bill for an act relating to eminent domain; allowing entry onto land for examination purposes before beginning eminent domain proceedings; amending Minnesota Statutes 1990, section 117.041.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 117.041, is amended to read:

117.041 [ENTRY FOR SURVEYS SURVEY OR ENVIRONMENTAL TESTING.]

Subdivision 1. [SURVEYS.] For the purpose of making surveys and examinations relative to any proceedings under this chapter, it shall be lawful to enter upon any land, doing no unnecessary damage.

Subd. 2. [ENVIRONMENTAL TESTING BEFORE EMINENT DOMAIN PROCEEDINGS.] (a) A state agency or political subdivision may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to identify the existence and extent of a release or threat of release of a hazardous substance, pollutant, or contaminant, as defined in section 115B.02, if:

(1) the state agency or political subdivision has reason to believe that acquisition of the property may be required pursuant to eminent domain proceedings;

(2) the state agency or political subdivision has reason to believe that a hazardous substance, pollutant, or contaminant is present on the property or the release of a hazardous substance, pollutant, or contaminant may have occurred or is likely to occur on the property; and

(3) entry on the property for environmental testing is rationally related to health, safety, or welfare concerns of the state agency or political subdivision in connection with possible eminent domain proceedings.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property and stating the approximate time and purpose of the entry. The notice shall be provided in the same manner as a summons in a civil action. If the property owner refuses to consent to the entry, the state agency or political subdivision must obtain a court order authorizing the entry and the removal of any sample or portion of the property for testing. The court shall issue the order authorizing entry and the removal of any sample or portion of the property for testing if the state agency or political subdivision establishes the factors specified in paragraph (a).

(c) In entering the property, the state agency or political subdivision must do no unnecessary damage to the property. The property must be left in substantially the same condition as before the state agency or political subdivision entered or removed samples. If the state agency or political subdivision removes a sample or portion of the property for investigation, monitoring, or testing, it must give the property owner an equal amount of the sample or portion and must permit the property owner to perform independent investigation, monitoring, or testing of that sample or portion.

(d) The results of testing performed under paragraph (a) must be included in any environmental assessment worksheet or environmental impact statement that the state agency or political subdivision is required to prepare under chapter 116D."

Amend the title as follows:

Page 1, line 3, delete "examination purposes" and insert "environmental testing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 239, A bill for an act relating to crime; clarifying the application of felony penalties to the act of intentionally disarming a peace officer; amending Minnesota Statutes 1990, section 609.50, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 14, after "taking" insert "or attempting to take" and after "firearm" insert "from the officer's possession"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 262, A bill for an act relating to economic development; specifying that money transferred or appropriated to the capital access program account is appropriated to the commissioner of trade and economic development; amending Minnesota Statutes 1990, section 116J.8765, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 357, A bill for an act relating to highways; requiring notice to political subdivisions before constructing, placing, repairing, maintaining, or operating utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration, repair, or improvement to town road; amending Minnesota Statutes 1990, sections 116I.015, subdivision 3; 116I.02, subdivision 2; 164.36; and 222.37.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 164.36, is amended to read:

164.36 [TOWN AUTHORITY OVER RECORDED ROADS.]

The town board has authority within the 66-foot right-of-way to:

(1) maintain or reconstruct a recorded road used for vehicular travel;

(2) dispose of snow;

(3) plant trees and shrubs that it considers appropriate;

(4) remove trees and other woody vegetation as provided in section 160.22;

(5) allow the placement of highway directional and informational signs as provided in section 169.06, subdivision 3;

(6) allow the placement of electrical and telephone poles, pipelines, and electrical, telephone, or television cables, and to require prior notice of the proposed placement and restoration of the right-of-way to its condition immediately prior to the placement;

(7) control weeds and regulate the cutting or complete removal of nonwoody vegetation; and

(8) regulate erosion, drainage, public nuisances, and matters of public interest.

Sec. 2. Minnesota Statutes 1990, section 222.37, subdivision 1, is amended to read:

Subdivision 1. [USE REQUIREMENTS.] Any water power, telegraph, telephone, pneumatic tube, pipeline, community antenna television, cable communications or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town or city in which such public road may be. If the governing body does not require the company to obtain a permit, a company shall notify the governing body of any county, town, or city having jurisdiction over a public road prior to the construction or major repair, involving extensive excavation on the road right-of-way, of the company's equipment along, over, or under the public road,



unless the governing body waives the notice requirement. A waiver of the notice requirement must be renewed on an annual basis. For emergency repair a company shall notify the governing body as soon as practical after the repair is made. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, community antenna television system, cable communications system, or light, heat, or power system within the corporate limits of any city until such person shall have obtained the right to maintain such system within such city or for a period beyond that for which the right to operate such system is granted by such city.

Delete the title and insert:

“A bill for an act relating to highways; authorizing political subdivisions to require notice before constructing or repairing utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration to a town road; amending Minnesota Statutes 1990, sections 164.36; and 222.37, subdivision 1.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 365, A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 9, before “sheriff” insert “the” and after “sheriff” insert “of any Minnesota county”

Page 1, line 11, strike “whether” and insert “pursuant to subdivision 2 if”

Page 1, line 12, after “server” insert “, if the sheriff is unavailable,” and before “publication” insert “by”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

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

The report was adopted.

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

H. F. No. 472, A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 154, 236, 239, 262, 357, 365, 373 and 472 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 7 and 246 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Jefferson; O'Connor; Johnson, R.; Reding and Knickerbocker introduced:

H. F. No. 813, A bill for an act relating to pensions and retirement; recodifying, correcting, and amending certain laws relating to the

Minneapolis police relief association; proposing coding for new law as Minnesota Statutes, chapter 423B.

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

Jaros, Sarna, McEachern, Beard and Munger introduced:

H. F. No. 814, A bill for an act relating to commerce; regulation of health care costs; creating a state cost control commission; providing for a review and control over rates and fees charged by health care providers practicing in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 45.

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

Skoglund, Lourey, Winter, Welle and Knickerbocker introduced:

H. F. No. 815, A bill for an act relating to insurance; the Minnesota comprehensive health insurance plan; regulating meetings and experimental delivery and managed care delivery methods; authorizing preferred provider networks; classifying PPO agreement data; regulating access; amending Minnesota Statutes 1990, sections 62E.10, subdivisions 4 and 9; 62E.12; 62E.13, by adding a subdivision; and 62E.14, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62E.

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

Reding, Skoglund, Simoneau and Greenfield introduced:

H. F. No. 816, A bill for an act relating to insurance; accident and health; establishing the consumers' health improvement plan pilot project; prescribing the powers and duties of the commissioner of health and the project administrator; establishing project eligibility and coverage; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 62K.

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

Begich, Solberg, Battaglia, Rukavina and Janezich introduced:

H. F. No. 817, A bill for an act relating to natural resources; revising certain provisions regarding the leasing of state-owned iron

ore and related minerals; amending Minnesota Statutes 1990, sections 93.16; 93.17, subdivisions 1 and 3; and 93.20, by adding a subdivision; repealing Minnesota Statutes 1990, section 93.20, subdivision 9.

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

Lourey; Wejcman; Olson, K.; McEachern and Nelson, K., introduced:

H. F. No. 818, A bill for an act relating to education; requiring the resident district of a nonhandicapped pupil temporarily placed in a residential program to pay tuition including summer school tuition; amending Minnesota Statutes 1990, section 120.181.

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

Lourey, McEachern and Nelson, K., introduced:

H. F. No. 819, A bill for an act relating to education; providing for outstanding capital loans when districts combine; amending Minnesota Statutes 1990, sections 122.242, subdivision 9; 122.247, by adding a subdivision; and 124.431, by adding a subdivision.

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

Vellenga introduced:

H. F. No. 820, A bill for an act relating to taxation; providing a property tax exemption for federal land used for cottage and camp purposes; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

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

Lourey, Ogren, Janezich, Boo and Rukavina introduced:

H. F. No. 821, A bill for an act relating to commerce; prohibiting certain agreements between insurers and health care providers; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Greenfield; Rodosovich; Ogren; Anderson, R., and Simoneau introduced:

H. F. No. 822, A bill for an act relating to human services; permitting energy conservation activities to be funded through the Minnesota future resources fund; describing community action program grants; appropriating money; amending Minnesota Statutes 1990, sections 116P.13, subdivision 3; and 268.52, subdivision 2, and by adding a subdivision.

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

Lynch, Valento, Lasley, Garcia and Pauly introduced:

H. F. No. 823, A bill for an act relating to transportation; clarifying parking provisions for physically disabled persons; authorizing special license plates for motorcycles; amending Minnesota Statutes 1990, sections 168.021, subdivision 1; 169.345, subdivision 1; and 169.346, subdivision 2.

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

Lourey, Wejeman, Ogren, Dille and Olson, K., introduced:

H. F. No. 824, A bill for an act relating to nursing; creating a midlevel practitioner education account; establishing grant programs for nurse education; requiring feasibility studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Carruthers introduced:

H. F. No. 825, A bill for an act relating to traffic regulations; amending the implied consent law advisory; amending Minnesota Statutes 1990, section 169.123, subdivision 2.

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

Lynch, Jennings, Welle and Stanius introduced:

H. F. No. 826, A bill for an act relating to human services;

consolidating and simplifying county mental health and community social services planning; authorizing the review and reduction of social service administrative requirements; establishing a process for limiting social services due to county fiscal limitations; amending Minnesota Statutes 1990, sections 245.465; 245.466, subdivision 5; 245.478, subdivisions 1, 2, and 6; 245.4874; 245.4875, subdivision 5; 245.4887, subdivisions 1, 2, and 6; 256.045, subdivision 3; 256E.04, subdivision 1; 256E.05, subdivisions 2, 3, 5, and by adding subdivisions; 256E.08, subdivision 1; 256E.09, subdivisions 1, 3, and 6; and 256E.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 1990, sections 245.462, subdivision 15; 245.4871, subdivision 23; 256B.092, subdivisions 1c and 1d; and 256E.09, subdivisions 4 and 5.

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

Jaros, Munger, Simoneau, Clark and Anderson, R., introduced:

H. F. No. 827, A bill for an act relating to natural resources; regulating the growing, harvesting, processing, and sale of certain wild rice; providing for a wild rice marketing program; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 30; repealing Minnesota Statutes 1990, section 30.49.

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

Wagenius, Lieder, Vellenga, Bishop and Scheid introduced:

H. F. No. 828, A bill for an act relating to juries; requiring persons who have filed an affidavit of candidacy for elected office to be deferred from jury service until after the election upon request; proposing coding for new law in Minnesota Statutes, chapter 593.

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

Bertram; Johnson, V.; Sparby; Steensma and Wenzel introduced:

H. F. No. 829, A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.201, 18.211 to 18.315, and 18.321 to 18.323.

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

Jefferson, Kinkel, Winter, Reding and Waltman introduced:

H. F. No. 830, A bill for an act relating to insurance; defining "physician" to include chiropractors for purposes of long-term care policies; amending Minnesota Statutes 1990, section 62A.46, subdivision 7.

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

Limmer, Sarna, Long, McEachern and Jefferson introduced:

H. F. No. 831, A bill for an act relating to the military; clarifying the time frame for pay and benefits to members of the national guard and reserve military services who are called to active duty in the United States armed forces; amending Minnesota Statutes 1990, section 192.26, subdivision 1.

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

Sparby, Lieder, Janezich and Anderson, R., introduced:

H. F. No. 832, A bill for an act relating to commerce; regulating heavy and utility equipment dealership agreements; providing for returns and repurchases under certain circumstances; providing remedies; amending Minnesota Statutes 1990, section 325E.0681, by adding subdivisions.

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

Rest introduced:

H. F. No. 833, A bill for an act relating to economic development; regulating the use of tax-exempt revenue bonds; amending Minnesota Statutes 1990, sections 474A.02, subdivisions 1, 2b, 7, 8, 19, and by adding subdivisions; 474A.04, subdivision 1a; 474A.047, subdivisions 1 and 3; 474A.061, subdivisions 1, 2a, 2b, and 2c; 474A.091, subdivisions 3 and 5; 474A.131, by adding a subdivision; 474A.15; 474A.16; and 474A.17; proposing coding for new law in Minnesota Statutes, chapters 462A and 462C; repealing Minnesota Statutes 1990, sections 474A.048; and 474A.081, subdivisions 1, 2, and 4.

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

Trimble introduced:

H. F. No. 834, A bill for an act relating to public employment; transportation department pilots; making certain pilots eligible for state-paid health insurance upon retirement at age 62; amending Minnesota Statutes 1990, section 352.86, subdivision 1.

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

Runbeck, Orfield, Valento, Morrison and Anderson, I., introduced:

H. F. No. 835, A bill for an act relating to traffic regulations; authorizing cities to establish speed zones on local streets; amending Minnesota Statutes 1990, section 169.14, by adding a subdivision.

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

Schafer, by request, introduced:

H. F. No. 836, A bill for an act relating to waters; establishing a procedure to govern county boards and the land exchange board in the acquisition of wetlands; prescribing appeal procedures; amending Minnesota Statutes 1990, section 97A.145, subdivision 2, and by adding subdivisions.

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

Cooper, Dorn, Solberg, Orfield and Ozment introduced:

H. F. No. 837, A bill for an act relating to the environment; declaring the 1990s to be the decade of the environment; providing for grants for promotional activities relating to environmental programs; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1990, section 126A.04, subdivision 5.

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



Pelowski introduced:

H. F. No. 838, A bill for an act relating to the city of Winona; permitting the city to impose a lodging tax.

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

Bauerly, Bertram, Omann and Wenzel introduced:

H. F. No. 839, A bill for an act relating to counties; setting conditions for assisting state fair exhibits; amending Minnesota Statutes 1990, section 375.79; repealing Minnesota Statutes 1990, sections 375.80; 375.81; and 375.82.

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

Jefferson, Greenfield, Skoglund, Wejcman and Nelson, K., introduced:

H. F. No. 840, A bill for an act relating to cities of the first class; providing for the organization and powers of neighborhood revitalization policy boards; amending Minnesota Statutes 1990, section 469.1831, subdivision 6.

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

Schreiber, Knickerbocker, Garcia, Limmer and Segal introduced:

H. F. No. 841, A bill for an act relating to the suburban Hennepin regional park district; setting the size of the board; removing powers of the Hennepin county board to review and veto reserve district budget; amending Minnesota Statutes 1990, sections 383B.68, subdivisions 1, 3, and 4, and by adding a subdivision; and 383B.73, subdivision 1; repealing Minnesota Statutes 1990, sections 383B.68, subdivision 2; and 383B.69.

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

McPherson introduced:

H. F. No. 842, A bill for an act relating to retirement; public employees retirement association; authorizing a former member to retire with a reduced retirement annuity at age 62.

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

Munger, Jaros, Boo, Ogren and Murphy introduced:

H. F. No. 843, A bill for an act relating to waste; Western Lake Superior sanitary district; amending the definition of solid waste; changing the date for adoption of a budget; amending Minnesota Statutes 1990, sections 458D.02, subdivision 18; and 458D.08.

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

Rukavina and Begich introduced:

H. F. No. 844, A bill for an act relating to workers' compensation; providing for increased benefits in cases of employer safety violations; proposing coding for new law in Minnesota Statutes, chapter 176.

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

Blatz, Henry and Hufnagle introduced:

H. F. No. 845, A bill for an act relating to the city of Bloomington; providing for the use of a lodging tax; amending Laws 1990, chapter 604, article 6, section 9, subdivision 1.

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

Blatz, Henry and Hufnagle introduced:

H. F. No. 846, A bill for an act relating to metropolitan government; providing for the disposition of property at the Bloomington metropolitan sports facilities site, and the satisfaction of various related interests.

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

Solberg, Dauner and Welle introduced:

H. F. No. 847, A bill for an act relating to courts; making the eighth judicial district court financing pilot project permanent;

providing for a county aid offset if certain court costs are assumed by the state; requiring the supreme court to study the costs and prepare a budget; amending Minnesota Statutes 1990, section 477A.012, by adding a subdivision; and Laws 1989, chapter 335, article 3, section 44, as amended; repealing Laws 1989, chapter 335, article 3, section 54, as amended.

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

Bertram, Bauerly, Gruenes, Marsh and Omann introduced:

H. F. No. 848, A bill for an act relating to education; allowing nonstate funds for construction on the St. Cloud State University campus.

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

Kelso, McEachern, Omann, Wenzel and Bertram introduced:

H. F. No. 849, A bill for an act relating to education; providing for an education district bargaining grant if certain conditions are met; amending Minnesota Statutes 1990, section 124.2721, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124C.

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

O'Connor; Ogren; Anderson, I.; Janezich and Schreiber introduced:

H. F. No. 850, A bill for an act relating to taxation; advancing the date for the mailing of tax statements; amending Minnesota Statutes 1990, section 276.04, subdivision 3.

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

O'Connor; Ogren; Anderson, I.; Janezich and Dempsey introduced:

H. F. No. 851, A bill for an act relating to taxation; eliminating the penalty for late filing of property tax refund claims; amending Minnesota Statutes 1990, section 289A.60, subdivision 12.

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

Johnson, V.; Anderson, I., and Olson, E., introduced:

H. F. No. 852, A bill for an act relating to real property; authorizing local taxes on registration of deeds and mortgages and dedicating the revenues to a survey monument and mapping control fund in each county; amending Minnesota Statutes 1990, section 287.05, subdivisions 3, 4, and by adding a subdivision; 287.12; 287.21, subdivision 2, and by adding a subdivision; 298.22; and 389.011, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 389.

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

Johnson, V., introduced:

H. F. No. 853, A bill for an act relating to health; creating an exception to the nursing home moratorium; amending Minnesota Statutes 1990, section 144A.071, subdivision 3.

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

Olsen, S.; Lieders; Seaberg; Kalis and Davids introduced:

H. F. No. 854, A bill for an act relating to motor vehicles; authorizing special license plates for Persian Gulf war veterans; amending Minnesota Statutes 1990, section 168.123, subdivision 2.

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

Bertram, Bauerly and Kelso introduced:

H. F. No. 855, A bill for an act relating to lawful gambling; allowing payment of property taxes as a lawful purpose expenditure; amending Minnesota Statutes 1990, section 349.12, subdivision 25.

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

Milbert, Blatz, Janezich, Bishop and Long introduced:

H. F. No. 856, A bill for an act relating to education; changing the composition of the board of the state high school league; amending Minnesota Statutes 1990, section 128C.01, subdivision 4.

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

Weaver, Pugh, Vellenga and Runbeck introduced:

H. F. No. 857, A bill for an act relating to privacy; prohibiting disclosure of health records without patient consent; imposing civil liability; amending Minnesota Statutes 1990, section 144.335, by adding a subdivision.

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

Trimble, Hanson, Blatz, Peterson and McGuire introduced:

H. F. No. 858, A bill for an act relating to the environment; pollution control agency; conforming certain rulemaking procedures to the administrative procedure act; providing for junk yard investigations; permitting collection of money for household hazardous waste programs; providing for a charge for training program fees and for computer use; amending Minnesota Statutes 1990, sections 115.44, subdivisions 4, 6, and 7; 115A.96, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 116.

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

Jacobs, Osthoff, Janezich and Ogren introduced:

H. F. No. 859, A bill for an act relating to utilities; allowing automatic rate adjustments by public utilities for governmental expenses; amending Minnesota Statutes 1990, section 216B.16, by adding a subdivision.

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

Lieder, Olson, E.; Tunheim; Dauner and Brown introduced:

H. F. No. 860, A bill for an act relating to economic development; providing funding for the Red River trade corridor project; appropriating money.

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

Nelson, K.; Wagenius and Swenson introduced:

H. F. No. 861, A bill for an act relating to traffic safety; permitting evidence of DWI convictions to be admitted as evidence in certain civil proceedings; amending Minnesota Statutes 1990, section 169.94, subdivision 1.

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

Wejeman, Macklin, Pugh, Carruthers and Vellenga introduced:

H. F. No. 862, A bill for an act relating to the collection and dissemination of data; classifying convention facility, arena, stadium, and theater data; amending Minnesota Statutes 1990, section 13.55.

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

Wejeman, Macklin, Pugh, Morrison and Vellenga introduced:

H. F. No. 863, A bill for an act relating to the collection and dissemination of data; protecting the identity of a person placing a call on the 911 system; amending Minnesota Statutes 1990, sections 13.82, subdivision 10; and 403.07, subdivision 4.

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

Steensma; Winter; Brown; Olson, K., and Hugoson introduced:

H. F. No. 864, A bill for an act relating to education; allowing Minnesota pupils to enroll in districts located in counties in other states that border Minnesota and non-Minnesota pupils to enroll in Minnesota districts under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 120.

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

Hausman; Nelson, K.; McEachern and Pelowski introduced:

H. F. No. 865, A bill for an act relating to education; requiring local standards for extended day programs; providing revenue for extended day programs; appropriating money; amending Minnesota

Statutes 1990, sections 121.88, subdivision 10, and by adding subdivisions; and 275.125, by adding a subdivision.

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

Wenzel introduced:

H. F. No. 866, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

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

Orenstein, Vellenga, Garcia and Bishop introduced:

H. F. No. 867, A bill for an act relating to crimes; providing that it is a prima facie case for certification to adult court if a juvenile used a firearm at the time of the offense or is alleged to have committed a firearms violation after a previous firearms violation; increasing the penalty for furnishing a firearm to a minor; increasing the penalty for unlawful possession of a pistol by a minor; amending Minnesota Statutes 1990, sections 260.125, subdivision 3; 609.66, subdivision 1a, and by adding a subdivision; and 624.713, subdivision 2.

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

Wenzel; Anderson, I.; Olson, E.; Omann and Dauner introduced:

H. F. No. 868, A bill for an act relating to local government aids; establishing a separate local government aid formula for cities with a population less than 1,000; amending Minnesota Statutes 1990,

sections 477A.011, subdivisions 1a, 15, 20, and by adding subdivisions; and 477A.013, by adding a subdivision.

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

Nelson, K.; Simoneau; McGuire and Blatz introduced:

H. F. No. 869, A bill for an act relating to public administration; establishing the mentoring and youth community service commission; stating its purposes and responsibilities; appropriating money; amending Minnesota Statutes 1990, sections 121.88, subdivision 9; 124.2713, subdivision 5; and 126.70, subdivision 2a; proposing coding for new law as Minnesota Statutes, chapter 16C.

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

Murphy, Jaros and Boo introduced:

H. F. No. 870, A bill for an act relating to retirement; Duluth police consolidation account in the public employees police and fire fund; authorizing certain survivors to elect alternative benefit coverage.

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

Farrell, Sarna, Begich, Murphy and Rice introduced:

H. F. No. 871, A bill for an act relating to employment; board of electricity; clarifying definitions; providing for a complaint committee; clarifying and adding duties of the board; providing penalties; amending Minnesota Statutes 1990, sections 326.01, subdivisions 2, 3, 4, 5, 6, 6a, and by adding subdivisions; 326.241, subdivision 2, and by adding a subdivision; 326.242, subdivisions 1, 2, 3, 4, 5, 6, 9, and by adding subdivisions; 326.244, subdivision 4, and by adding a subdivision; and 326.246.

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

Ogren, Solberg and Dempsey introduced:

H. F. No. 872, A bill for an act relating to the public defender; providing an aid offset for public defense costs in the third and sixth judicial districts; providing who is eligible to be represented by the



public defender in certain judicial districts; appropriating money; amending Minnesota Statutes 1990, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6.

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

Johnson, R.; Cooper; Simoneau; Bauerly and Gruenes introduced:

H. F. No. 873, A bill for an act relating to retirement; teachers; calculation of annuities based upon the highest three years of service; amending Minnesota Statutes 1990, section 354.44, subdivision 6.

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

Johnson, R., introduced:

H. F. No. 874, A bill for an act relating to retirement; requiring recalculation of annuities of certain teachers retirement association annuitants.

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

Farrell; Skoglund; Nelson, S.; Pugh and Krinkie introduced:

H. F. No. 875, A bill for an act relating to insurance; rental vehicles; increasing property damage liability coverage; amending Minnesota Statutes 1990, section 65B.49, subdivision 5a.

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

Rodosovich and Johnson, R., introduced:

H. F. No. 876, A bill for an act relating to retirement; teachers retirement association; authorizing the purchase of credit for pre-1957 pre-age 25 teaching service; amending Laws 1988, chapter 709, article 3, section 1, subdivision 1.

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

**MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 81 and 393.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 81, A bill for an act relating to towns; clarifying certain provisions for the terms of town supervisor; providing for the compensation of certain town officers and employees; amending Minnesota Statutes 1990, sections 367.03, subdivision 1; and 367.05, subdivision 1.

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

S. F. No. 393, A bill for an act relating to state lands; authorizing commissioner of administration to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

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

**CALENDAR**

H. F. No. 98, A bill for an act relating to civil commitment; establishing requirements for judicial release orders during the emergency hold period; amending Minnesota Statutes 1990, section 253B.05, subdivisions 1, 2, and 3.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Segal
Anderson, I.	Garcia	Koppendrayner	Olson, E.	Simoneau
Anderson, R.	Girard	Krinkie	Olson, K.	Skoglund
Anderson, R. H.	Goodno	Krueger	Omman	Smith
Battaglia	Greenfield	Lasley	Onnen	Solberg
Beard	Gruenes	Leppik	Orenstein	Sparby
Begich	Gutknecht	Lieder	Orfield	Stanius
Bertram	Hartle	Limmer	Osthoff	Sviggum
Bettermann	Hasskamp	Long	Ostrom	Swenson
Blatz	Haukoos	Lourey	Ozment	Thompson
Bodahl	Hausman	Lynch	Pauly	Tompkins
Boo	Heir	Macklin	Pellow	Trimble
Brown	Henry	Mariani	Pelowski	Tunheim
Carlson	Hufnagle	Marsh	Peterson	Uphus
Carruthers	Hugoson	McEachern	Pugh	Valento
Clark	Jacobs	McGuire	Reding	Vellenga
Cooper	Janezich	McPherson	Rest	Wagenius
Dauner	Jaros	Milbert	Rice	Waltman
Davids	Jennings	Morrison	Rodosovich	Weaver
Dawkins	Johnson, A.	Munger	Rukavina	Welker
Dempsey	Johnson, R.	Murphy	Runbeck	Welle
Dille	Johnson, V.	Nelson, K.	Sarna	Wenzel
Dorn	Kahn	Nelson, S.	Schafer	Winter
Erhardt	Kalis	Newinski	Scheid	Spk. Vanasek
Farrell	Kelso	O'Connor	Schreiber	
Frederick	Kinkel	Ogren	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 146, A bill for an act relating to commerce; regulating real estate closings; prohibiting persons from requiring the use of particular closing agents; requiring the commissioner to adopt rules; amending Minnesota Statutes 1990, section 507.45, subdivision 4.

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

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

Those who voted in the affirmative were:

Abrams	Carruthers	Girard	Janezich	Lasley
Anderson, I.	Clark	Goodno	Jaros	Leppik
Anderson, R.	Cooper	Greenfield	Jefferson	Lieder
Anderson, R. H.	Dauner	Gruenes	Jennings	Limmer
Battaglia	Davids	Gutknecht	Johnson, A.	Long
Beard	Dawkins	Hartle	Johnson, R.	Lourey
Begich	Dempsey	Hasskamp	Johnson, V.	Lynch
Bertram	Dille	Haukoos	Kalis	Macklin
Bettermann	Dorn	Hausman	Kelso	Mariani
Blatz	Erhardt	Heir	Kinkel	Marsh
Bodahl	Farrell	Henry	Knickerbocker	McEachern
Boo	Frederick	Hufnagle	Koppendrayner	McGuire
Brown	Frerichs	Hugoson	Krinkie	McPherson
Carlson	Garcia	Jacobs	Krueger	Milbert

Morrison	Onnen	Rest	Skoglund	Uphus
Munger	Orenstein	Rice	Smith	Valento
Murphy	Orfield	Rodosovich	Solberg	Vellenga
Nelson, K.	Osthoff	Rukavina	Sparby	Wagenius
Nelson, S.	Ostrom	Runbeck	Stanius	Waltman
Newinski	Ozment	Sarna	Steensma	Weaver
O'Connor	Pauly	Schafer	Sviggum	Welker
Ogren	Pellow	Scheid	Swenson	Welle
Olsen, S.	Pelowski	Schreiber	Thompson	Wenzel
Olson, E.	Peterson	Seaberg	Tompkins	Winter
Olson, K.	Pugh	Segal	Trimble	Spk. Vanasek
Omann	Reding	Simoneau	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 155 was reported to the House.

Dempsey moved that H. F. No. 155 be continued on the Calendar. The motion prevailed.

H. F. No. 192, A bill for an act relating to the Duluth transit authority; providing for the transportation of students; repealing Laws 1988, chapter 573, section 2.

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

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

Those who voted in the affirmative were:

Abrams	Farrell	Johnson, V.	Munger	Rice
Anderson, I.	Frederick	Kahn	Murphy	Rodosovich
Anderson, R.	Frerichs	Kalis	Nelson, K.	Rukavina
Anderson, R. H.	Garcia	Kelso	Nelson, S.	Runbeck
Battaglia	Girard	Kinkel	Newinski	Sarna
Beard	Goodno	Knickerbocker	O'Connor	Schafer
Begich	Greenfield	Koppendrayner	Ogren	Scheid
Bertram	Gruenes	Krinkie	Olsen, S.	Schreiber
Bettermann	Gutknecht	Krueger	Olson, E.	Seaberg
Blatz	Hartle	Lasley	Olson, K.	Segal
Bodahl	Hasskamp	Leppik	Omann	Simoneau
Boo	Haukoos	Lieder	Onnen	Skoglund
Brown	Hausman	Limmer	Orenstein	Smith
Carlson	Heir	Long	Orfield	Solberg
Carruthers	Henry	Lourey	Osthoff	Sparby
Clark	Hufnagle	Lynch	Ostrom	Steensma
Cooper	Hugoson	Macklin	Ozment	Sviggum
Dauner	Jacobs	Mariani	Pauly	Swenson
Davids	Janezich	Marsh	Pellow	Thompson
Dawkins	Jaros	McEachern	Pelowski	Tompkins
Dempsey	Jefferson	McGuire	Peterson	Trimble
Dille	Jennings	McPherson	Pugh	Tunheim
Dorn	Johnson, A.	Milbert	Reding	Uphus
Erhardt	Johnson, R.	Morrison	Rest	Valento

Vellenga  
WageniusWaltman  
WeaverWelker  
WelleWenzel  
Winter

Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 205, A bill for an act relating to insurance; prohibiting discrimination against American military personnel; amending Minnesota Statutes 72A.20, subdivision 8.

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 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abrams	Greenfield	Krueger	Olson, E.	Seaberg
Anderson, I.	Gruenes	Lasley	Olson, K.	Segal
Anderson, R.	Hanson	Leppik	Omann	Simoneau
Battaglia	Hartle	Lieder	Onnen	Skoglund
Beard	Hasskamp	Limmer	Orenstein	Smith
Begich	Hausman	Long	Orfield	Solberg
Bertram	Heir	Lourey	Osthoff	Sparby
Bettermann	Henry	Lynch	Ostrom	Stanis
Blatz	Hufnagle	Macklin	Ozment	Steensma
Bodahl	Jacobs	Mariani	Pauly	Swenson
Brown	Janezich	Marsh	Pellow	Thompson
Carlson	Jaros	McEachern	Pelowski	Tompkins
Carruthers	Jefferson	McGuire	Peterson	Trimble
Cooper	Jennings	McPherson	Pugh	Tunheim
Dauner	Johnson, A.	Milbert	Reding	Uphus
Dawkins	Johnson, R.	Morrison	Rest	Vellenga
Dempsey	Johnson, V.	Munger	Rice	Wagenius
Dille	Kahn	Murphy	Rodosovich	Waltman
Dorn	Kalis	Nelson, K.	Rukavina	Welle
Farrell	Kelso	Nelson, S.	Runbeck	Wenzel
Frederick	Kinkel	Newinski	Sarna	Winter
Garcia	Knickerbocker	O'Connor	Schafer	Spk. Vanasek
Girard	Koppendrayner	Ogren	Scheid	
Goodno	Krinkie	Olsen, S.	Schreiber	

Those who voted in the negative were:

Anderson, R. H.	Erhardt	Haukoos	Valento
Boo	Frerichs	Hugoson	Weaver
Davids	Gutknecht	Sviggun	Welker

The bill was passed and its title agreed to.

H. F. No. 246, A bill for an act relating to alcoholic beverages; allowing proof of age by means of a Canadian identification card; amending Minnesota Statutes 1990, section 340A.503, subdivision 6.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Ogren	Seaberg
Anderson, I.	Garcia	Kinkel	Olsen, S.	Segal
Anderson, R.	Girard	Knickerbocker	Olson, E.	Simoneau
Anderson, R. H.	Goodno	Koppendrayner	Olson, K.	Skoglund
Battaglia	Greenfield	Krinkie	Omann	Smith
Beard	Gruenes	Krueger	Onnen	Solberg
Begich	Gutknecht	Lasley	Orenstein	Sparby
Bertram	Hanson	Leppik	Orfield	Stanis
Bettermann	Hartle	Lieder	Osthoff	Steensma
Blatz	Hasskamp	Limmer	Ostrom	Sviggum
Bodahl	Haukoos	Long	Ozment	Swenson
Boo	Hausman	Lourey	Pauly	Thompson
Brown	Heir	Lynch	Pellow	Trimble
Carlson	Henry	Macklin	Pelowski	Tunheim
Carruthers	Hufnagle	Mariani	Peterson	Uphus
Clark	Hugoson	Marsh	Pugh	Valento
Cooper	Jacobs	McEachern	Reding	Vellenga
Dauner	Janezich	McGuire	Rest	Wagenius
Dauids	Jaros	McPherson	Rice	Waltman
Dawkins	Jefferson	Milbert	Rodosovich	Weaver
Dempsey	Jennings	Morrison	Rukavina	Welker
Dille	Johnson, A.	Murphy	Runbeck	Welle
Dorn	Johnson, R.	Nelson, K.	Sarna	Wenzel
Erhardt	Johnson, V.	Nelson, S.	Schafer	Winter
Farrell	Kahn	Newinski	Scheid	Spk. Vanasek
Frederick	Kalis	O'Connor	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 276, A bill for an act relating to insurance; accident and health; prohibiting the nondiagnostic use of X-rays; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

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

Those who voted in the affirmative were:

Abrams	Bettermann	Cooper	Farrell	Gutknecht
Anderson, I.	Blatz	Dauner	Frederick	Hanson
Anderson, R.	Bodahl	Dauids	Frerichs	Hartle
Anderson, R. H.	Boo	Dawkins	Garcia	Hasskamp
Battaglia	Brown	Dempsey	Girard	Haukoos
Beard	Carlson	Dille	Goodno	Hausman
Begich	Carruthers	Dorn	Greenfield	Heir
Bertram	Clark	Erhardt	Gruenes	Henry

Hufnagle	Leppik	O'Connor	Rice	Thompson
Hugoson	Lieder	Ogren	Rodosovich	Tompkins
Jacobs	Limmer	Olson, S.	Rukavina	Trimble
Janezich	Long	Olson, E.	Runbeck	Tunheim
Jaros	Lourey	Olson, K.	Sarna	Uphus
Jefferson	Lynch	Omann	Schafer	Valento
Jennings	Macklin	Onnen	Scheid	Vellenga
Johnson, A.	Mariani	Orenstein	Schreiber	Wagenius
Johnson, R.	Marsh	Orfield	Seaberg	Waltman
Johnson, V.	McEachern	Osthoff	Segal	Weaver
Kahn	McGuire	Ostrom	Simoneau	Welker
Kalis	McPherson	Ozment	Skoglund	Welle
Kelso	Milbert	Pauly	Smith	Wenzel
Kinkel	Morrison	Pellow	Solberg	Winter
Knickerbocker	Munger	Pelowski	Sparby	Spk. Vanasek
Koppendrayar	Murphy	Peterson	Stanis	
Krinkie	Nelson, K.	Pugh	Steensma	
Krueger	Nelson, S.	Reding	Sviggum	
Lasley	Newinski	Rest	Swenson	

The bill was passed and its title agreed to.

H. F. No. 320, A bill for an act relating to occupations and professions; modifying an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1990, section 82.18.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kahn	Murphy	Rodosovich
Anderson, I.	Garcia	Kalis	Nelson, K.	Rukavina
Anderson, R.	Girard	Kelso	Nelson, S.	Runbeck
Anderson, R. H.	Goodno	Kinkel	Newinski	Sarna
Battaglia	Greenfield	Knickerbocker	O'Connor	Schafer
Beard	Gruenes	Koppendrayar	Ogren	Scheid
Begich	Gutknecht	Krinkie	Olson, S.	Schreiber
Bertram	Hanson	Krueger	Olson, E.	Seaberg
Bettermann	Hartle	Lasley	Olson, K.	Segal
Blatz	Hasskamp	Leppik	Omann	Simoneau
Bodahl	Haukoos	Lieder	Onnen	Skoglund
Boo	Hausman	Limmer	Orenstein	Smith
Brown	Heir	Long	Orfield	Solberg
Carlson	Henry	Lourey	Osthoff	Stanis
Carruthers	Hufnagle	Lynch	Ostrom	Steensma
Clark	Hugoson	Macklin	Ozment	Sviggum
Cooper	Jacobs	Mariani	Pauly	Swenson
Dauner	Janezich	Marsh	Pellow	Thompson
Davids	Jaros	McEachern	Pelowski	Trimble
Dawkins	Jefferson	McGuire	Peterson	Tunheim
Dempsey	Jennings	McPherson	Pugh	Uphus
Dorn	Johnson, A.	Milbert	Reding	Valento
Erhardt	Johnson, R.	Morrison	Rest	Vellenga
Farrell	Johnson, V.	Munger	Rice	

Wagenius  
Waltman

Weaver  
Welker

Welle  
Wenzel

Winter  
Spk. Vanasek

Those who voted in the negative were:

Frerichs . Sparby

The bill was passed and its title agreed to.

H. F. No. 430, A bill for an act relating to intoxicating liquor; specifying the number of on-sale licenses which may be issued in the city of Virginia; repealing Laws 1974, chapter 501, section 1.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olsen, S.	Simoneau
Anderson, I.	Garcia	Kinkel	Olson, E.	Skoglund
Anderson, R.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Goodno	Koppendraye	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanis
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Svigum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Blatz	Hasskamp	Long	Ozment	Thompson
Bodahl	Haukoos	Lourey	Pauly	Tompkins
Boo	Hausman	Lynch	Pellow	Trimble
Brown	Heir	Macklin	Pelowski	Tunheim
Carlson	Henry	Mariani	Peterson	Uphus
Carruthers	Hufnagle	Marsh	Pugh	Valento
Clark	Hugoson	McEachern	Reding	Vellenga
Cooper	Jacobs	McGuire	Rest	Wagenius
Dauner	Janezich	McPherson	Rice	Waltman
Davids	Jaros	Milbert	Rodosovich	Weaver
Dawkins	Jefferson	Morrison	Rukavina	Welker
Dempsey	Jennings	Munger	Runbeck	Welle
Dille	Johnson, A.	Murphy	Sarna	Wenzel
Dorn	Johnson, R.	Nelson, K.	Schafer	Winter
Erhardt	Johnson, V.	Nelson, S.	Scheid	
Farrell	Kahn	O'Connor	Schreiber	
Frederick	Kalis	Ogren	Segal	

Those who voted in the negative were:

Seaberg

The bill was passed and its title agreed to.

H. F. No. 598, A bill for an act relating to insurance; regulating



agent rehabilitations and cancellations of agency contracts by fire and casualty companies; amending Minnesota Statutes 1990, sections 60A.171; and 60A.175.

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

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

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Simoneau
Anderson, I.	Garcia	Knickerbocker	Olson, E.	Skoglund
Anderson, R.	Girard	Koppendrayer	Olson, K.	Smith
Anderson, R. H.	Goodno	Krinkie	Omann	Solberg
Battaglia	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Lasley	Orenstein	Stanius
Begich	Gutknecht	Leppik	Orfield	Steensma
Bertram	Hanson	Lieder	Osthoff	Sviggrum
Bettermann	Hartle	Limmer	Ostrom	Swenson
Bishop	Hasskamp	Long	Ozment	Thompson
Blatz	Haukoos	Lourey	Pauly	Tompkins
Bodahl	Hausman	Lynch	Pellow	Trimble
Boo	Heir	Macklin	Pelowski	Tunheim
Brown	Henry	Mariani	Peterson	Uphus
Carlson	Hufnagle	Marsh	Pugh	Valento
Carruthers	Hugoson	McEachern	Reding	Vellenga
Clark	Jacobs	McGuire	Rest	Wagenius
Cooper	Janezich	McPherson	Rice	Waltman
Dauner	Jaros	Milbert	Rodosovich	Weaver
Dauids	Jefferson	Morrison	Rukavina	Welker
Dawkins	Jennings	Munger	Runbeck	Welle
Dempsey	Johnson, A.	Murphy	Sarna	Wenzel
Dille	Johnson, R.	Nelson, K.	Schafer	Winter
Dorn	Johnson, V.	Nelson, S.	Scheid	
Erhardt	Kahn	Newinski	Schreiber	
Farrell	Kalis	O'Connor	Seaberg	
Frederick	Kelso	Ogren	Segal	

The bill was passed and its title agreed to.

## GENERAL ORDERS

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

## REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. No. 304 which it recommended to pass with the following amendment offered by Anderson, I.:

Page 2, line 23, delete "strike or" and after "lockout" insert "of employees in a labor organization or during a strike of employees in a labor organization authorized by a representative of employees"

Page 3, line 29, delete "strike or" and after "lockout" insert "employees in an employee organization or during a strike authorized by an employee organization which is an exclusive representative"

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

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.06, the following roll calls were taken in the Committee of the Whole:

Welker moved to amend H. F. No. 304, as amended, as follows:

Page 1, line 21, strike "provided,"

Page 1, strike lines 22 to 25, except the semicolon

Page 2, line 26, after the second period insert:

"[179.121] [FREEDOM TO WORK.]

No employer, employee organization, or labor union shall require any person, as a condition of employment or continuation of employment, to become or remain a member of any labor organization, or to pay any dues, fees, assessments, or other sums of money of any kind to a labor question.

Sec. 3."

Page 2, line 26, delete "Sec. 2." and insert "Sec. 4. [179A.031] [FREEDOM TO WORK.]

No employer, employee organization, or labor union shall require any person, as a condition of employment or continuation of employment, to become or remain a member of any labor organization, or to pay dues, fees, assessments, or other sums of money of any kind to a labor organization.

Sec. 5. Minnesota Statutes 1990, section 179A.04, subdivision 1, is amended to read:

Subdivision 1. [PETITIONS.] The commissioner shall accept and investigate all petitions for:

(a) certification or decertification as the exclusive representative of an appropriate unit;

(b) mediation services;

(c) any election or other voting procedures provided for in sections 179A.01 to 179A.25; and

(d) certification to the board of arbitration; ~~and~~

~~(e) fair share fee challenges, upon the receipt of a filing fee. The commissioner shall hear and decide all issues in a fair share fee challenge.~~

Sec. 6. Minnesota Statutes 1990, section 179A.04, subdivision 3, is amended to read:

Subd. 3. [OTHER DUTIES.] The commissioner shall:

(a) provide mediation services as requested by the parties until the parties reach agreement. The commissioner may continue to assist parties after they have submitted their final positions for interest arbitration;

(b) issue notices, subpoenas, and orders required by law to carry out duties under sections 179A.01 to 179A.25;

(c) certify to the board items of dispute between parties subject to action of the board under section 179A.16;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the commissioner or the board;

(e) certify the final results of any election or other voting procedure conducted under sections 179A.01 to 179A.25;

(f) adopt rules relating to the administration of this chapter; and the conduct of hearings and elections;

(g) receive, catalogue, and file all orders and decisions of the board, all decisions of arbitration panels authorized by sections 179A.01 to 179A.25, all grievance arbitration decisions, and the

commissioner's orders and decisions. All orders and decisions catalogued and filed shall be readily available to the public;

(h) adopt, subject to chapter 14, a grievance procedure to fulfill the purposes of section 179A.20, subdivision 4. The grievance procedure shall not provide for the services of the bureau of mediation services. The grievance procedure shall be available to any employee in a unit not covered by a contractual grievance procedure;

(i) conduct elections;

(j) maintain a schedule of state employee classifications or positions assigned to each unit established in section 179A.10, subdivision 2; and

~~(k) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the commissioner or in conjunction with fair share fee challenges; and~~

(4) provide technical support and assistance to voluntary joint labor-management committees established for the purpose of improving relationships between exclusive representatives and employers, at the discretion of the commissioner.

Sec. 7. Minnesota Statutes 1990, section 179A.05, subdivision 4, is amended to read:

Subd. 4. [OTHER POWERS.] In addition to the other powers and duties given it by law, the board has the following powers and duties:

(a) to hear and decide appeals from determinations of the commissioner relating to "supervisory employee," "confidential employee," "essential employee," or "professional employee";

(b) to hear and decide appeals from determinations of the commissioner relating to the appropriateness of a unit; and

~~(c) to hear and decide on the record, determinations of the commissioner relating to a fair share fee challenge;~~

~~(d) collect such fees as are established by rule for empanelment of persons on the labor arbitrator roster maintained by the board.~~

Sec. 8."

Page 3, line 30, delete "3" and insert "9"

[REPEALER.]

Minnesota Statutes 1988, sections 179A.03, subdivision 9, and 179A.06, subdivision 3, are repealed.

Sec. 10."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The question was taken on the Welker amendment and the roll was called. There were 23 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Frerichs	Hugoson	Schafer	Waltman
Bettermann	Girard	Krinkie	Schreiber	Weaver
Bishop	Gutknecht	Limmer	Smith	Welker
Davids	Haukoos	McPherson	Stanius	
Erhardt	Heir	Pellow	Sviggum	

Those who voted in the negative were:

Abrams	Garcia	Knickerbocker	Ogren	Scheid
Anderson, I.	Goodno	Koppendrayner	Olsen, S.	Seaberg
Anderson, R.	Greenfield	Krueger	Olson, E.	Segal
Battaglia	Gruenes	Lasley	Olson, K.	Simoneau
Beard	Hanson	Leppik	Omann	Skoglund
Begich	Hartle	Lieder	Onnen	Solberg
Bertram	Hasskamp	Long	Orenstein	Sparby
Blatz	Hausman	Lourey	Orfield	Steensma
Bodahl	Henry	Lynch	Osthoff	Swenson
Boo	Hufnagle	Macklin	Ostrom	Thompson
Brown	Jacobs	Mariani	Ozment	Trimble
Carlson	Janezich	Marsh	Pauly	Tunheim
Carruthers	Jaros	McEachern	Pelowski	Uphus
Clark	Jefferson	McGuire	Peterson	Valento
Cooper	Jennings	Milbert	Pugh	Vellenga
Dauner	Johnson, A.	Morrison	Reding	Wagenius
Dawkins	Johnson, R.	Munger	Rest	Welle
Dempsey	Johnson, V.	Murphy	Rice	Wenzel
Dille	Kahn	Nelson, K.	Rodosovich	Winter
Dorn	Kalis	Nelson, S.	Rukavina	Spk. Vanasek
Farrell	Kelso	Newinski	Runbeck	
Frederick	Kinkel	O'Connor	Sarna	

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

The question was taken on the motion to recommend passage of H. F. No. 304, as amended, and the roll was called. There were 78 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Hanson	Long	Orenstein	Simoneau
Anderson, R.	Hasskamp	Lourey	Orfield	Skoglund
Battaglia	Hausman	Mariani	Osthoff	Solberg
Beard	Jacobs	McEachern	Ostrom	Sparby
Begich	Janezich	McGuire	Ozment	Steensma
Brown	Jaros	Milbert	Pelowski	Thompson
Carlson	Jefferson	Morrison	Peterson	Trimble
Carruthers	Jennings	Munger	Pugh	Tunheim
Clark	Johnson, A.	Murphy	Reding	Vellenga
Cooper	Johnson, R.	Nelson, K.	Rest	Wagenius
Dauner	Kahn	Newinski	Rice	Welle
Dawkins	Kalis	O'Connor	Rodosovich	Wenzel
Dorn	Kinkel	Ogren	Rukavina	Winter
Farrell	Krueger	Olsen, S.	Sarna	Spk. Vanasek
Garcia	Lasley	Olson, E.	Scheid	
Greenfield	Lieder	Olson, K.	Segal	

Those who voted in the negative were:

Abrams	Erhardt	Hufnagle	Marsh	Smith
Anderson, R. H.	Frederick	Hugoson	McPherson	Stanis
Bertram	Frerichs	Johnson, V.	Nelson, S.	Svigum
Bettermann	Girard	Kelso	Omann	Swenson
Bishop	Goodno	Knickerbocker	Onnen	Tompkins
Blatz	Gruenes	Koppendraye	Pauly	Uphus
Bodahl	Gutknecht	Krinkie	Pellow	Valento
Boo	Hartle	Leppik	Runbeck	Waltman
Dauids	Haukoos	Limmer	Schafer	Weaver
Dempsey	Heir	Lynch	Schreiber	Welker
Dille	Henry	Macklin	Seaberg	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Johnson, A., moved that the names of Kelso and Lasley be added as authors on H. F. No. 259. The motion prevailed.

Brown moved that the name of Peterson be added as an author on H. F. No. 320. The motion prevailed.

Skoglund moved that his name be stricken as an author on H. F. No. 396. The motion prevailed.

Pelowski moved that the name of Trimble be added as an author on H. F. No. 447. The motion prevailed.

Sparby moved that the name of Dempsey be added as an author on H. F. No. 464. The motion prevailed.

Krueger moved that the name of Bertram be added as an author on H. F. No. 687. The motion prevailed.

Pugh moved that the names of Long and Trimble be added as authors on H. F. No. 749. The motion prevailed.

Macklin moved that the name of Limmer be added as an author on H. F. No. 763. The motion prevailed.

Macklin moved that the name of Limmer be added as an author on H. F. No. 764. The motion prevailed.

Rest moved that the name of Solberg be added as an author on H. F. No. 768. The motion prevailed.

Rodosovich moved that the name of Ostrom be added as an author on H. F. No. 799. The motion prevailed.

Pelowski moved that H. F. No. 262, now on the Technical Consent Calendar, be re-referred to the Committee on Appropriations. The motion prevailed.

Rodosovich moved that H. F. No. 484 be recalled from the Committee on Redistricting and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming. The motion prevailed.

Trimble moved that H. F. No. 755 be recalled from the Committee on General Legislation, Veterans Affairs and Gaming and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Welle moved that H. F. No. 593 be recalled from the Committee on Transportation and be re-referred to the Committee on Judiciary. The motion prevailed.

Farrell moved that H. F. No. 410 be returned to its author. The motion prevailed.

Long introduced:

House Concurrent Resolution No. 3, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

## ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 18, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 18, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives