

## STATE OF MINNESOTA

## SEVENTY-SEVENTH SESSION—1991

## THIRTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 10, 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 Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Henry was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Schafer 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. 539 and H. F. No. 931, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 539 be substituted for H. F. No. 931 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 4, 1991

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

Dear Representative Vanasek:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 243, relating to highways; allowing specific service signs to be erected at intersections of trunk highways with interstate highways.

H. F. No. 13, relating to taxation; providing that property owned by certain members of the military will be withheld from sale as tax-forfeited property; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; providing filing

extensions for individuals who performed services in Operation Desert Shield; providing for early payment of interest on refunds.

Warmest regards,

ARNE H. CARLSON  
Governor

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

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

The Honorable Jerome M. Hughes  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1991 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1991</i>	<i>Date Filed</i> <i>1991</i>
443	243	16	12:02 p.m. April 4	April 4
		17	12:01 p.m. April 4	April 4
	13	18	12:00 p.m. April 4	April 4

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 74, A bill for an act relating to municipal tort liability; specifying liability for injuries caused by beach and swimming pool equipment; amending Minnesota Statutes 1990, section 466.03, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 466.03, is amended by adding a subdivision to read:

Subd. 6f. [BEACH OR POOL EQUIPMENT.] (a) Subject to paragraphs (b) and (c), any claim based upon an injury arising out of the use by any person of a diving board, diving platform, diving raft, water slide, nonwater slide, dock, or other equipment installed at a beach or swimming pool owned, leased, or operated by a municipality, if the injury occurred when the beach or swimming pool was closed as indicated by a sign posted at the beach or pool.

(b) A municipality has a duty to use reasonable care to warn trespassers of any danger or risk involved with the use of beach or pool equipment described in paragraph (a) if the municipality:

(1) knows or has reason to know that trespassers regularly use certain portions of the beach or pool equipment;

(2) installs, operates, or maintains the equipment in a way known as likely to cause death or serious bodily harm; and

(3) has reason to believe trespassers would not discover the risks involved in the use of the equipment.

The requirements of this paragraph do not apply if a trespasser knows or has reason to know of the condition of the equipment and the risk involved in its use.

(c) Nothing in this subdivision limits the liability of a municipality for conduct that would entitle trespassing children to damages against a private person."

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 123, A bill for an act relating to animals; requiring landlords to allow elderly tenants to keep certain pets; proposing coding for new law in Minnesota Statutes, chapter 504.

Reported the same back with the following amendments:

Page 1, line 7, delete "55" and insert "62"

Page 1, line 11, delete "the renter" and insert "all qualifying renters"

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. 200, A bill for an act relating to courts; allowing counties with chambered judges to retain the judicial position; recognizing adequate access to the courts as a factor in determining whether a judicial position should remain or be abolished or transferred; amending Minnesota Statutes 1990, section 2.722, subdivision 4.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, delete the new language

Page 1, line 13, strike ", county, or county municipal"

Page 1, line 19, after the period insert "In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge."

Page 1, line 26, delete the new language

Page 2, line 1, delete the new language

Page 2, line 10, after the period insert "In determining whether the position is necessary for adequate access to the courts, the supreme court shall consider whether abolition or transfer of the position would result in a county having no chambered judge."

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. 244, A bill for an act relating to traffic regulations; regulating traffic safety concerning school buses and the safety of school children; providing penalties; amending Minnesota Statutes 1990, sections 169.01, subdivision 6; 169.45; 169.451; 171.07, by adding a subdivision; 171.17; and 171.18; proposing coding for new

law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 1990, sections 169.44; and 169.64, subdivision 7.

Reported the same back with the following amendments:

Page 7, line 11, after the period insert “Before moving the school bus, the driver of the bus shall visually determine that all children have crossed the roadway and that those who are to do so have boarded the school bus.”

Page 10, line 12, delete everything after “shall” and insert “include”

Page 10, line 13, delete everything before “sections”

Page 10, line 15, delete everything after “169.448” and insert “in the instruction for the professional peace officer education program. The board shall notify the chief law enforcement officer of each law enforcement agency in the state of these sections.”

Page 10, delete lines 16 to 18

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 287, A bill for an act relating to occupations; granting the attorney general's office access to certain private data; requiring certain licensing boards to consider revoking the license of a licensee convicted of certain felonies involving a minor; exempting licensing of the board of teaching and the state board of education from certain requirements with respect to the rehabilitation of criminal offenders; amending Minnesota Statutes 1990, sections 125.09, subdivision 4; 214.10, by adding a subdivision; 364.09; and 631.40.

Reported the same back with the following amendments:

Page 5, line 6, delete “, 2, and” and insert “to”

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 399, A bill for an act relating to retirement; first class city teachers; establishing an employer additional contribution rate; increasing the employer contribution on behalf of coordinated members; amending Minnesota Statutes 1990, section 354A.12, subdivision 2.

Reported the same back with the following amendments:

Page 3, after line 2, insert:

"Subd. 2b. [STATE FUNDING OF EMPLOYER ADDITIONAL CONTRIBUTION.] The state shall pay to the employing unit annually from the general fund an amount equal to the employer additional contribution to the Minneapolis teachers retirement fund association and the St. Paul teachers retirement fund association for coordinated members as specified in subdivision 2a, clause (4). The employer additional contribution state funding is payable monthly by the commissioner of finance based on the coordinated program covered payroll for the preceding month, as certified by the chief administrative officer of the applicable school district.

Sec. 2. [MINNEAPOLIS TEACHERS MEDICAL LEAVE CREDIT.]

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to allow basic plan members who are granted medical leave of absence by special school district No. 1, Minneapolis, to receive up to one year service credit of that leave in accordance with Minnesota Statutes, section 354A.096.

Sec. 3. [MINNEAPOLIS TEACHERS RETIREE RESUMING SERVICE.]

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to provide that any person who is retired and receiving a basic program formula retirement annuity under the articles of incorporation or bylaws of the association, and who has resumed teaching service for the special school district No. 1, is entitled to continue to receive retirement annuity payments except that annuity payments must be reduced in accordance with Minnesota Statutes, section 354A.31, subdivision 3, if the person's income from teaching service is an amount greater than the maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under

the federal old age, survivors, and disability insurance program as set by the secretary of health and human services under United States Code, title 42, section 403.”

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon insert “authorizing certain bylaw amendments by the Minneapolis teachers retirement fund association; directing state payments to employing units;”

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 407, A bill for an act relating to housing; authorizing a multicounty housing and redevelopment authority to appoint additional commissioners; amending Minnesota Statutes 1990, section 469.006, subdivision 2.

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

The report was adopted.

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

H. F. No. 431, A bill for an act relating to insurance; transferring authority for regulation of certain aspects of health maintenance organizations from commissioner of health to commissioner of commerce; amending Minnesota Statutes 1990, sections 60B.03, subdivision 2; 60B.15; 60B.20; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding subdivisions; 62D.03; 62D.04; 62D.041; 62D.042, subdivisions 5 and 7; 62D.043; 62D.045, subdivision 1; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08; 62D.09, subdivisions 1, 6, and 8; 62D.10, subdivision 4; 62D.11; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 2, 3a, 4, 5, 6, and 7; 62D.122; 62D.123, subdivision 4; 62D.14; 62D.15; 62D.16; 62D.17; 62D.18; 62D.182; 62D.19; 62D.20; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30; and 144.691, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

The report was adopted.

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

H. F. No. 438, A bill for an act relating to human services; clarifying contested case procedures for applicants for human services licensing; establishing appeal procedures for determinations of maltreatment of minors and vulnerable adults; amending Minnesota Statutes 1990, sections 245A.04, subdivision 3c; and 256.045, subdivisions 1, 4, 6, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, after "CASE" insert "OR ARBITRATION"

Page 1, line 16, strike the period and delete "The" and insert ", or may request arbitration as provided in a collective bargaining agreement subject to chapter 179A. If the employee chooses a contested case hearing, the"

Page 2, line 22, after the period add "The confidentiality of the reporters and the alleged victim shall be maintained and they shall not be subject to subpoena under subdivision 4."

Page 3, line 2, strike "or" and after the second "recipient" insert ", or aggrieved party"

Page 3, line 11, strike "or" and after "recipient" insert ", or aggrieved party"

Page 4, line 2, before the period add ", except reporters and alleged victims for hearings pursuant to subdivision 3b."

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 456, A bill for an act relating to adoption; clarifying the requirements for consents; amending Minnesota Statutes 1990, section 259.24, subdivision 5.

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 459, A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivision 3; and 611.32.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 609.5314, subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATIVE FORFEITURE PROCEDURE.] (a) Forfeiture of property described in subdivision 1 is governed by this subdivision. When seizure occurs, or within a reasonable time after that, all persons known to have an ownership or possessory interest in seized property must be notified of the seizure and the intent to forfeit the property. In the case of a motor vehicle required to be registered under chapter 168, notice mailed by certified mail to the address shown in department of public safety records is deemed sufficient notice to the registered owner.

(b) Notice may otherwise be given in the manner provided by law for service of a summons in a civil action. The notice must be in writing and contain:

(1) a description of the property seized;

(2) the date of seizure;

(3) notice of the right to obtain judicial review of the forfeiture; and

(4) notice of the procedure for obtaining that judicial review of the forfeiture, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION

OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY."

Sec. 2. Minnesota Statutes 1990, section 609.5314, subdivision 3, is amended to read:

Subd. 3. **[JUDICIAL DETERMINATION.]** (a) Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, together with proof of service of a copy of the complaint on the county attorney for that county, and the standard filing fee for civil actions. A demand filed with the court administrator under this subdivision does not require a filing fee if the value of the seized property is less than \$500. No responsive pleading is required of the county attorney and no court fees may be charged for the county attorney's appearance in the matter. The proceedings are governed by the rules of civil procedure.

(b) The complaint must be captioned in the name of the claimant as plaintiff, the seized property as defendant, and must state with specificity the grounds on which the claimant alleges the property was improperly seized and stating the plaintiff's interest in the property seized. Notwithstanding any law to the contrary, an action for the return of property seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(c) If the claimant makes a timely demand for judicial determination under this subdivision, the appropriate agency must conduct the forfeiture under section 609.531, subdivision 6a.

(d) If a demand for judicial determination of an administrative forfeiture is filed under this subdivision and the court orders the return of the seized property, the court shall order that filing fees be reimbursed to the person who filed the demand. In addition, the court may order the payment of reasonable costs, expenses, and attorney fees under section 549.21, subdivision 2. If the court orders a payment of these costs, they must be paid from forfeited money or proceeds from the sale of forfeited property from the appropriate law enforcement and prosecuting agencies in the same proportion as they would be distributed under section 609.5315, subdivision 5.

Sec. 3. Minnesota Statutes 1990, section 611.31, is amended to read:

**611.31 [HANDICAPPED PERSON.]**

For the purposes of sections 611.30 to 611.34, "person handicapped in communication" means a person who: (a) because of a hearing, speech or other communication disorder, or (b) because of difficulty in speaking or comprehending the English language, cannot fully understand the proceedings or any charges made against the person, or the seizure of the person's property, or is incapable of presenting or assisting in the presentation of a defense.

Sec. 4. Minnesota Statutes 1990, section 611.32, is amended to read:

611.32 [PROCEEDINGS WHERE INTERPRETER APPOINTED.]

Subdivision 1. [PROCEEDINGS AND PRELIMINARY PROCEEDINGS INVOLVING POSSIBLE CRIMINAL SANCTIONS OR CONFINEMENT.] In any proceeding in which a person handicapped in communication may be subjected to confinement or, criminal sanction, or forfeiture of the person's property, and in any proceeding preliminary to that proceeding, including coroner's inquest, grand jury proceedings, and proceedings relating to mental health commitments, the presiding judicial officer shall appoint a qualified interpreter to assist the person handicapped in communication and any witness handicapped in communication throughout the proceedings.

Subd. 2. [PROCEEDINGS AT TIME OF APPREHENSION OR ARREST.] Following the apprehension or arrest of a person handicapped in communication for an alleged violation of a criminal law, the arresting officer, sheriff or other law enforcement official shall immediately make necessary contacts to obtain a qualified interpreter and shall obtain an interpreter at the earliest possible time at the place of detention. A law enforcement officer shall, with the assistance of the interpreter, explain to the person handicapped in communication, all charges filed against the person, and all procedures relating to the person's detainment and release. If the property of a person is seized under section 609.531, subdivision 4, the seizing officer, sheriff, or other law enforcement official shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's right to judicial review. If the seizure is governed by section 609.5314, subdivision 2, a request for an interpreter must be made within 15 days after service of the notice of seizure and forfeiture. For a person who requests an interpreter under this section because of a seizure of property under section 609.5314, the 60 days for filing a demand for a judicial determination of a forfeiture begins when the interpreter is provided. The interpreter shall also assist the person with all other communications, including communications relating to needed medical attention. Prior to interrogating or taking the statement of the person handicapped in communication, the arresting officer, sheriff,

or other law enforcement official shall make available to the person a qualified interpreter to assist the person throughout the interrogation or taking of a statement."

Delete the title and insert:

"A bill for an act relating to crimes; providing that a claimant in a forfeiture proceeding does not have to pay a filing fee; providing for appointment of qualified interpreters in forfeiture proceedings; amending Minnesota Statutes 1990, sections 609.5314, subdivisions 2 and 3; 611.31; and 611.32."

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 473, A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 626.84, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

(a) "Board" means the board of peace officer standards and training.

(b) "Director" means the executive director of the board.

(c) "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of

crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of gambling enforcement, and state conservation officers.

(d) "Constable" has the meaning assigned to it in section 367.40.

(e) "Deputy constable" has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

## Sec. 2. [PROFESSIONAL PEACE OFFICER EDUCATION.]

Subdivision 1. [HIGHER EDUCATION SYSTEMS OFFERING PROFESSIONAL PEACE OFFICER EDUCATION.] (a) By January

1, 1992, the community college system, technical college system, state university system, and private colleges that offer professional peace officer education shall jointly develop and implement a plan to:

(1) recruit and retain women and minorities in professional peace officer education programs;

(2) integrate all components of professional peace officer education into a degree program for students who are pursuing a degree;

(3) appoint an advisory committee of no more than 12 members consisting of law enforcement faculty and administrators, peace officers, police chiefs, sheriffs, and citizens to meet at least once each year and to advise the systems regarding professional peace officer education; and

(4) develop validated academic performance standards and examinations for admittance into the professional peace officer education program.

The systems shall include women and members of minority groups in making appointments to the advisory committee required by this subdivision.

Nothing in this section precludes the systems described in this subdivision from developing consortium programs.

(b) The executive director of the peace officer standards and training board shall convene a meeting of the systems described in this subdivision to begin development of the required plan.

Subd. 2. [ASSOCIATE DEGREE STUDENTS.] The professional peace officer education program for associate degree students shall include sufficient general education to allow the transfer of all earned credits for a bachelor's degree at a state university.

Subd. 3. [SCHOOL OF LAW ENFORCEMENT.] By January 1, 1993, the state university system shall develop a school of law enforcement in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, whose mission is to advance the profession of law enforcement. The system shall make reasonable efforts to obtain start-up funding for the school from sources other than the state. The school may offer professional peace officer education, graduate degree programs, and peace officer continuing education programs, and may conduct applied research."

Delete the title and insert:

"A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to create and implement a joint plan to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1."

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

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 506, A bill for an act relating to occupations and professions; requiring crane operators to be licensed by the state; requiring rulemaking; establishing a crane operators examining board; providing penalties; amending Minnesota Statutes 1990, section 214.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 2, line 12, delete "APPRENTICE" and insert "CRANE OPERATOR TRAINEE" and delete "Apprentice" and insert "Crane operator trainee"

Page 3, line 10, delete "apprentice" and insert "trainee"

Page 3, line 11, delete "An apprentice" and insert "A crane operator trainee"

Page 3, line 25, delete the semicolon and insert a comma and after "or" insert "who is subject to inspection and regulation under the provisions of Public Law Number 95-164, the Mine Safety and Health Act; or"

Page 4, line 3, delete "APPRENTICE" and insert "CRANE OPERATOR TRAINEE"

Page 4, line 4, delete "apprentice's" and insert "crane operator trainee's"

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 526, A bill for an act relating to corporations; clarifying and modifying provisions governing divisions and combinations of shares and rights of shareholders; clarifying meeting notice requirements; authorizing electronic communications by shareholders; modifying access to corporate records; clarifying and modifying provisions governing mergers and dissolutions; amending Minnesota Statutes 1990, sections 302A.111, subdivision 2; 302A.139; 302A.401, subdivisions 3 and 4; 302A.405, subdivision 1; 302A.413, subdivision 3; 302A.435, subdivision 1; 302A.437, subdivision 1; 302A.449, subdivision 1, and by adding a subdivision; 302A.461, subdivisions 2, 4, and 4a; 302A.471, subdivision 1; 302A.551, subdivision 4; 302A.613, subdivision 2; 302A.621; 302A.651, subdivision 1; 302A.701; 302A.723, subdivision 3; 302A.725, subdivision 1; 302A.727; and 302A.781; proposing coding for new law in Minnesota Statutes, chapter 302A; repealing Minnesota Statutes 1990, sections 302A.729; 302A.730; and 302A.733.

Reported the same back with the following amendments:

Page 9, line 3, after “authorized” insert “in the bylaws or”

Page 9, line 16, after “authorized” insert “in the bylaws or”

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. 551, A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been convicted of manslaughter or criminal negligence with a motor vehicle; amending Minnesota Statutes 1990, section 171.30, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 171.17, is amended to read:

**171.17 [REVOCATION.]**

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

- (1) manslaughter ~~or criminal vehicular operation~~ resulting from the operation of a motor vehicle ~~or criminal vehicular homicide or injury under section 609.21~~;
- (2) any violation of section 169.121 or 609.487;
- (3) any felony in the commission of which a motor vehicle was used;
- (4) failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (5) perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;
- (6) except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of violating, within a period of 12 months any of the provisions of chapter 169, ~~or of the rules or municipal ordinances enacted in conformance therewith for which the accused may be punished upon conviction by imprisonment;~~
- (7) conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license.

When any judge of a juvenile court, or any of its duly authorized agents, determines under a proceeding under chapter 260 that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report this determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at the licensee's last known address, with postage prepaid thereon.

Sec. 2. Minnesota Statutes 1990, section 171.30, subdivision 2, is amended to read:

Subd. 2. [60-DAY WAITING PERIOD.] A limited license shall not be issued for a period of 60 days to an individual whose license or privilege has been revoked or suspended for commission of the following offenses:

(a) Manslaughter or criminal negligence resulting from the operation of a motor vehicle.

(b) Any felony in the commission of which a motor vehicle was used.

(e) (b) Failure to stop and disclose identity as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another.

Sec. 3. Minnesota Statutes 1990, section 171.30, is amended by adding a subdivision to read:

Subd. 2a. [180-DAY WAITING PERIOD.] Notwithstanding subdivision 2, a limited license shall not be issued for 180 days to an individual whose license or privilege has been revoked or suspended for commission of the offense of manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21.

Sec. 4. Minnesota Statutes 1990, section 171.30, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A person who violates a condition or limitation of a limited license issued under subdivision 1 or fails to have the license in immediate possession at all times when operating a motor vehicle is guilty of a misdemeanor. In addition, if a person was convicted under this subdivision for violating a condition or limitation of a limited license, the person may not operate a motor vehicle for the remainder of the period of suspension or revocation, or 30 days, whichever is longer.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective for violations that occur on or after August 1, 1991.

Delete the title and insert:

“A bill for an act relating to drivers' licenses; extending waiting period for person to receive limited driver's license who has been

convicted of certain crimes; providing a penalty; amending Minnesota Statutes 1990, sections 171.17; and 171.30, subdivisions 2, 4, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 579, A bill for an act relating to retirement; contributions and benefit computation for members of the Richfield police relief association; amending Laws 1965, chapter 458, sections 2 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [UNIT VALUE.]

"Unit" means, for the Richfield police relief association, that fractional part of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year, as determined by the articles of incorporation of the association, which fractional part shall never be less than 1/90 nor greater than 1/75 of average monthly salary.

Sec. 2. Laws 1965, chapter 458, section 2, is amended to read:

Sec. 2. An amount equal to six eight percent of the regular monthly salary of the highest paid patrolman patrol officer in the city police department, exclusive of all moneys for special assignments, allowances, or longevity payments, shall be deducted from the monthly salary of each police officer of the city and shall be paid into the policemen's police pension fund of the city. Amounts paid as college incentive pay are included in the calculation of regular monthly salary and subject to deductions.

Sec. 3. Laws 1965, chapter 458, section 4, is amended to read:

Sec. 4. No member of the police department of the city shall be eligible to receive a service pension until he reaches the age of 55 50 years.

Sec. 4. Laws 1965, chapter 458, is amended by adding a section to read:

Sec. 4a. For members retiring at age 55, the unit used in computing pensions is 1/75 of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year. For members retiring at ages between 50 and 55, the unit is the following fractional part of the average monthly salary, including amounts paid as college incentive pay, of a first grade patrol officer for the 12 months of the previous calendar year:

<u>Age</u>	<u>Fractional part</u>
50	1/80
51	1/79
52	1/78
53	1/77
54	1/76

No member of the Richfield police relief association shall be subject to a reduction of accrued benefits for deferring the receipt of a service pension.

Sec. 5. [REPEALER.]

Laws 1957, chapter 455, section 2, subdivision 3, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective upon an affirmative vote by the Richfield police relief association to consolidate with the public employees retirement association under Minnesota Statutes, section 353A.04, and on approval of sections 1 to 5 by the Richfield city council and compliance with Minnesota Statutes, section 645.021. Sections 1 and 2 are retroactive to January 1, 1990. Retroactive benefit payments under section 1 are payable in a lump sum as soon as practicable after the effective date, but are not payable to an estate."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 584, A bill for an act relating to local government; authorizing municipalities to enter into joint ventures with telecom-

munications organizations; amending Minnesota Statutes 1990, section 237.19.

Reported the same back with the following amendments:

Page 1, lines 13 to 16, delete the new language

Page 2, after line 2, insert:

"A municipality that owns and operates a telephone exchange may enter into a joint venture as a partner or shareholder with a telecommunications organization to provide telecommunications services within its service area."

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. 592, A bill for an act relating to civil actions; regulating recovery for economic loss arising from the sales of goods; amending Minnesota Statutes 1990, section 336.2-725; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Page 2, line 14, after "than" insert "the" and delete everything after "goods" and insert a period

Page 2, delete lines 15 and 16

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 600, A bill for an act relating to corrections; establishing a juvenile detention services subsidy program; appropriating money; amending Minnesota Statutes 1990, section 241.022; proposing coding for new law in Minnesota Statutes, chapter 241.

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 642, A bill for an act relating to animals; making certain presumptions about manufactured home park rules that prohibit residents over 55 from keeping certain pets; amending Minnesota Statutes 1990, section 327C.05, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 2, delete “55” and insert “62”

Amend the title as follows:

Page 1, line 4, delete “55” and insert “62”

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. 647, A bill for an act relating to crime; providing penalties for intentional damage to timber or wood processing, manufacturing, or transportation equipment; providing penalties for possessing certain devices to damage timber or wood processing, manufacturing, or transportation equipment; providing penalties for unlawful interference with timber harvests; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, line 19, before “owner” insert “timber or equipment”

Page 2, line 9, delete “shall” and insert “may”

Page 2, line 14, after “a” insert “misdemeanor:”

Page 2, delete lines 15 and 16

Page 2, after line 33, insert:

**"Sec. 4. [TIMBER PERMIT; SUBSTITUTION OF NON-OLD GROWTH TIMBER.]**

Notwithstanding Minnesota Statutes, sections 90.031, subdivision 4; 90.101; 90.14; and 90.151, if any timber permit sold at public auction prior to December 31, 1990, included timber that would be a candidate for old growth status under the department of natural resources old growth guidelines dated December 28, 1990, the commissioner, with the consent of the permittee, is hereby authorized to cancel, in whole or in part, or modify such timber permit and substitute, for the timber which has been withdrawn from the timber permit, an equivalent volume of other non-old growth timber at appraised value from areas not designated for cutting on the original timber appraisal report or from other state lands. The commissioner shall adjust the amount of the advance payment and bond on a pro rata basis."

Renumber the remaining section

Page 2, line 36, after the period insert "Section 4 is effective the day after final enactment."

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 696, A bill for an act relating to education; revising membership requirements for joint vocational technical boards; authorizing joint vocational technical boards to appoint additional members; amending Minnesota Statutes 1990, section 136C.61, subdivision 1; and 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.

Clark from the Committee on Housing to which was referred:

H. F. No. 714, A bill for an act relating to housing; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; modifying provisions relating to tenant remedy actions, retaliatory eviction proceed-

ings, and receivership proceedings; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; providing for an emergency mortgage and rental assistance pilot project; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; modifying the property tax classification of certain residential real estate; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; changing the definition of mentally ill person; consolidating special needs housing programs; clarifying and amending biennial reporting requirement; authorizing new construction of accessible housing; authorizing off-reservation home improvement program; appropriating money; amending Minnesota Statutes 1990, sections 268.39; 273.124, subdivisions 1 and 11; 273.13, subdivision 25; 273.1399, subdivision 1; 462A.03, subdivisions 10 and 16; 462A.05, subdivision 20, and by adding a subdivision; 462A.21, subdivisions 4k, 12a, and 14; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.011, subdivision 4; 469.012, subdivision 1; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, subdivisions 1, 2, and by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.29, subdivisions 2 and 4; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1988, chapter 594, section 6; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 268 and 609; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**  
**LANDLORD AND TENANT**

Section 1. Minnesota Statutes 1990, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to

which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making

collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal; and

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to ~~566.33~~ 566.35 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause.

Sec. 2. Minnesota Statutes 1990, section 504.02, is amended to read:

504.02 [CANCELLATION OF LEASES IN CERTAIN CASES; ABANDONMENT OR SURRENDER OF POSSESSION.]

Subdivision 1. [ACTION TO RECOVER.] (a) In case of a lease of real property, when the landlord has a subsisting right of reentry for the failure of the tenant to pay rent the landlord may bring an action to recover possession of the property and such action is equivalent to a demand for the rent and a reentry upon the property; but if, at any

time before possession has been delivered to the plaintiff on recovery in the action, the lessee or a successor in interest as to the whole or any part of the property pays to the plaintiff or brings into court the amount of the rent then in arrears, with interest and costs of the action, and an attorney's fee not exceeding \$5, and performs the other covenants on the part of the lessee, the lessee or successor may be restored to the possession and hold the property according to the terms of the original lease.

(b) If the lessee or successor in interest brings into court the amount of the rent in arrears and the court finds:

(1) that for reasons beyond the defendant's reasonable control the defendant could not pay the rent in arrears prior to the bringing of the action; and

(2) that the defendant meets the financial eligibility criteria in section 563.01, subdivision 3;

the court shall order the court administrator to refund to the plaintiff the filing fee in the action and order the defendant to pay the remainder of the costs of the action to the plaintiff.

(c) If the tenant has paid to the plaintiff or brought into court the amount of rent in arrears but is unable to pay the interest, costs of the action, and attorney's fee required by this subdivision, the court may permit the defendant to pay these amounts into court and be restored to possession within the same period of time, if any, which the court stays the issuance of the writ of restitution pursuant to section 566.09.

(d) Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial payment of rent in arrears which is accepted by the landlord prior to issuance of the order granting restitution of the premises pursuant to section 566.09 may be applied to the balance due and does not waive the landlord's action to recover possession of the premises for nonpayment of rent.

(e) Rental payments under this subdivision must first be applied to rent claimed as due in the complaint from prior rental periods before applying any payment toward rent claimed in the complaint for the current rental period unless the court finds that under the circumstances the claim for rent from prior rental periods has been waived.

**Subd. 2. [LEASE GREATER THAN 20 YEARS.]** (a) If the lease under which the right of reentry is claimed is a lease for a term of more than 20 years, reentry cannot be made into the land or such action commenced by the landlord unless, after default, the landlord

shall serve upon the tenant, also upon all creditors having a lien of record legal or equitable upon the leased premises or any part thereof, a written notice that the lease will be canceled and terminated unless the payment or payments in default shall be made and the covenants in default shall be performed within 30 days after the service of such notice, or within such greater period as the lessor shall specify in the notice, and if such default shall not be removed within the period specified within the notice, then the right of reentry shall be complete at the expiration of the period and may be exercised as provided by law. If any such lease shall provide that the landlord, after default, shall give more than 30 days' notice in writing to the tenant of the landlord intention to terminate the tenancy by reason of default in terms thereof, then the length of the notice to terminate shall be the same as provided for and required by the lease.

(b) As to such leases for a term of more than 20 years, if at any time before the expiration of six months after possession obtained by the plaintiff by abandonment or surrender of possession by the tenant or on recovery in the action, the lessee or a successor in interest as to the whole or part of the property, or any creditor having a lien legal or equitable upon the leased premises or any part thereof, pays to the plaintiff, or brings into court, the amount of rent then in arrears, with interest and the costs of the action, and performs the other covenants on the part of the lessee, the lessee or successor may be restored to the possession and hold the property according to the terms of the original lease. The provisions of this section shall not apply to any action or proceeding now pending in any of the courts of this state.

Subd. 3. [JUDGMENT TO BE RECORDED.] Upon recovery of possession by the landlord in the action a certified copy of the judgment shall be recorded in the office of the county recorder of the county where the land is situated if unregistered land or in the office of the registrar of titles of such county if registered land and upon recovery of possession by the landlord by abandonment or surrender by the tenant an affidavit by the landlord or the landlord's attorney setting forth such fact shall be recorded in a like manner and such recorded certified copy of such judgment or such recorded affidavit shall be *prima facie* evidence of the facts stated therein in reference to the recovery of possession by such landlord.

Sec. 3. Minnesota Statutes 1990, section 504.18, subdivision 1, is amended to read:

Subdivision 1. In every lease or license of residential premises, whether in writing or parol, the lessor or licensor covenants:

(a) That the premises and all common areas are fit for the use intended by the parties.

(b) To keep the premises in reasonable repair during the term of the lease or license, except when the disrepair has been caused by the willful, malicious, or irresponsible conduct of the lessee or licensee or a person under the direction or control of the lessee or licensee.

(c) To maintain the premises in compliance with the applicable health and safety laws of the state, including the weatherstripping, caulking, storm window, and storm door energy efficient standards for renter-occupied residences prescribed by section 216C.27, subdivisions 1 and 3, and of the local units of government where the premises are located during the term of the lease or license, except when violation of the health and safety laws has been caused by the willful, malicious, or irresponsible conduct of the lessee or licensee or a person under the direction or control of the lessee or licensee.

The parties to a lease or license of residential premises may not waive or modify the covenants imposed by this section.

Sec. 4. Minnesota Statutes 1990, section 504.185, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] When a municipality, utility company, or other company supplying home heating oil, propane, natural gas, electricity, or water to a building has issued a final notice or has posted the building proposing to disconnect or discontinued the service to the building because an owner who has contracted for the service has failed to pay for it or because an owner is required by law or contract to pay for the service and fails to do so, a tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. Before paying for the service, the tenant or group of tenants shall give oral or written notice to the owner of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the owner has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the owner within 24 hours after oral notice is given.

(a) In the case of natural gas, electricity, or water, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may pay the outstanding bill for the most recent billing period, if the utility company or municipality will restore the service for at least one billing period.

(b) In the case of home heating oil or propane, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may order and pay for one month's supply of the proper grade and quality of oil or propane.

After submitting receipts for the payment to the owner, a tenant may deduct the amount of the tenant's payment from the rental payment next paid to the owner. Any amount paid to the municipality, utility company, or other company by a tenant under this subdivision is considered payment of rent to the owner for purposes of section 504.02.

Sec. 5. Minnesota Statutes 1990, section 504.20, subdivision 3, is amended to read:

Subd. 3. Every landlord shall, within three weeks after termination of the tenancy or within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant, and receipt of the tenant's mailing address or delivery instructions, return the deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. It shall be sufficient compliance with the time requirement of this subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from the deposit only amounts reasonably necessary:

- (a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or
- (b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of the deposit shall be on the landlord.

Sec. 6. Minnesota Statutes 1990, section 504.20, subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within three weeks of termination of the tenancy or within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant, and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in

subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 7. [504.246] [TORT LIABILITY.]

A landlord is liable for damages caused to a tenant, or others on the premises with the consent of the tenant, or a subtenant by a condition existing before or after the tenant took possession of the premises, which is a breach of an express covenant to repair or maintain the leased premises or is a breach of the covenants specified in section 504.18, subdivision 1, if:

(1) the condition created an unreasonable risk on the premises which performance of the landlord's covenants would have prevented;

(2) the landlord knew of the condition; and

(3) the landlord failed to perform the covenants.

Sec. 8. [504.261] [OBLIGATION TO MITIGATE DAMAGES.]

Landlords and tenants shall have the same obligation to mitigate damages resulting from the breach of a real estate lease or rental agreement caused by the premises being vacated before the end of the lease term as do parties to contracts not involving such a lease or rental agreement.

Sec. 9. Minnesota Statutes 1990, section 504.27, is amended to read:

504.27 [REMEDIES ARE ADDITIONAL.]

The remedies provided in sections 504.24 to 504.26 are in addition to and shall not limit other rights or remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement, whereby any provision of sections 504.24 to 504.27 is waived by a tenant is contrary to public policy and void. The provisions of sections 504.24 to 504.27 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7. The provisions of sections 504.24, 504.25, 504.255, and 504.26 apply to occupants and owners of residential real property which is the subject of a mortgage foreclosure or contract for deed cancellation and as to which the period for redemption or reinstatement of the contract has expired.

**ARTICLE 2**  
**UNLAWFUL DETAINER**

Section 1. Minnesota Statutes 1990, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$85, except that in an unlawful detainer action under sections 566.05 to 566.15, the fee is \$50.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$85, except that in an unlawful detainer action under sections 566.05 to 566.15, the fee is \$50.

The party requesting a trial by jury shall pay \$30.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$5, plus 25 cents per page after the first page, and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments

docketed, \$1 for each name certified to and \$3 for each judgment certified to.

(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 2. Minnesota Statutes 1990, section 566.03, subdivision 1, is amended to read:

Subdivision 1. The person entitled to the premises may recover possession in the manner provided in this section when:

(1) any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage, and expiration of the time for redemption, or after termination of contract to convey the same, provided that if the person holding such lands or tenements after the sale, foreclosure expiration of the time for redemption, or termination is a tenant, the person has received:

(i) at least one month's written notice of the termination of tenancy as a result of to vacate no sooner than one month after the sale, foreclosure expiration of the time for redemption, or termination; or when

(ii) at least one month's written notice to vacate no later than the date of the sale, expiration of the time for redemption, or termination which notice shall also state that the sender will hold the tenant harmless from any damages caused to the tenant if no sale occurs, the mortgage is redeemed, or the contract is reinstated;

(2) any person holds over lands or tenements after termination of the time for which they are demised or let to that person or to the persons under whom that person holds possession, or contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or when

(3) any tenant at will holds over after the determination of any such estate by notice to quit; in all such cases the person entitled

~~to the premises may recover possession thereof in the manner hereinafter provided.~~

Sec. 3. Minnesota Statutes 1990, section 566.17, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) "Dwelling," for purposes of this section, means all or that lesser part of the premises which is occupied by the defendant as a residence and includes a manufactured home as defined in section 327C.01, subdivision 4. "Manufactured home lot" or "lot," for purposes of this section, means an area within a manufactured home park, designed or used for the accommodation of a manufactured home. "Premises," for purposes of this section, means the building in which the defendant resides and any other building connected to it or which is one of two or more adjacent buildings used by the plaintiff for rental residential purposes. Premises includes a manufactured home park as defined in section 327C.01, subdivision 5. "Personal property" or "property," for purposes of this section, means the household goods and furnishings, clothing, personal items, tools, and motor and recreational vehicles used or stored in or near a dwelling.

(b) The officer holding the writ of restitution shall execute the same by making a demand upon defendant if found in the county or any adult member of the defendant's family holding possession of the premises dwelling or manufactured home lot, or other person in charge thereof, for the possession of the same, and that the defendant leave, taking family and all personal property and manufactured home from such premises the dwelling or lot within 24 hours after such demand. If defendant fails to comply with the demand, then the officer shall bring, if necessary, the force of the county and whatever assistance may be necessary, at the cost of the complainant, remove the said defendant, family and all personal property and manufactured home from said premises the dwelling or lot detained, immediately and place the plaintiff in the possession thereof. In case the defendant cannot be found in the county, and there is no person in charge of the premises dwelling or lot detained, so that no demand can be made upon the defendant, then the officer shall enter into the possession of the premises dwelling or lot, breaking in if necessary, and the property and manufactured home of the defendant shall be removed and stored at a place designated by the plaintiff as provided under subdivision 2.

Sec. 4. Minnesota Statutes 1990, section 566.17, subdivision 2, is amended to read:

Subd. 2. [REMOVAL AND STORAGE OF PROPERTY.] (a) In cases where the defendant's personal property or manufactured home is to be stored in a place other than the premises, the officer shall remove all property and the manufactured home of the defendant at the expense of the plaintiff.

The plaintiff shall have a lien upon all of the goods upon the premises defendant's property in the dwelling and the manufactured home for the reasonable costs and expenses incurred for removing the personal property and for the proper, properly caring for, and storing the same, and the costs of transportation of the same to some suitable place of storage, in case defendant shall fail or refuse to make immediate payment for all the expenses of such the removal from the premises dwelling or lot and plaintiff shall have the right to enforce such lien by detaining the same until paid, and, in case of nonpayment for 60 days after the execution of the writ, shall have the right to enforce the lien and foreclose the same by public sale as provided for in case of sales under sections 514.18 to 514.22.

(b) In cases where the defendant's property or manufactured home is to be stored on the premises, the officer shall enter the premises dwelling or lot, breaking in if necessary, and the plaintiff may remove the defendant's personal property or manufactured home. The plaintiff shall have no lien on property other than a manufactured home stored on the premises. In the case of a manufactured home, the plaintiff shall have a lien for rent and other related expenses incurred in the storage and care of the manufactured home for the period of time prior to sale pursuant to sections 514.18 to 514.22. The provisions of section 504.24 apply to property removed under this paragraph. The plaintiff must prepare an inventory and mail a copy of the inventory to the defendant's last known address or, if the defendant has provided a different address, to the address provided by the defendant. The inventory must be prepared, signed, and dated in the presence of the peace officer. The inventory must include the following:

- (1) a listing of the items of personal property and a description of the condition of the property;
- (2) the date, the signature of the plaintiff or the plaintiff's agent, and the name and telephone number of a person authorized to release the personal property; and
- (3) the name and badge number of the peace officer.

The peace officer shall retain a copy of the inventory. The plaintiff is responsible for the proper removal, storage, and care of the defendant's personal property and is liable for damages for loss of or injury to the defendant's personal property caused by the plaintiff's failure to exercise care in regard to it as a reasonably careful person would exercise under like circumstances.

(c) The plaintiff shall notify the defendant of the date and approximate time the officer is scheduled to remove the defendant, family, and the defendant's personal property from the premises dwelling or lot. The notice must be sent by first-class mail. In

addition, the plaintiff must make a good faith effort to notify the defendant by telephone. The notice must be mailed as soon as the information regarding the date and approximate time the officer is scheduled to enforce the writ is known to the plaintiff, except that the scheduling of the peace officer to enforce the writ need not be delayed because of the notice requirement. The notice must inform the defendant that the defendant and the defendant's property will be removed from the premises dwelling or lot if the defendant has not vacated the premises dwelling or lot by the time specified in the notice.

Sec. 5. Minnesota Statutes 1990, section 566.17, is amended by adding a subdivision to read:

Subd. 2a. In the second and fourth judicial districts, the housing calendar consolidation project shall retain jurisdiction in matters relating to removal of property or a manufactured home under this section. If the plaintiff refuses to return the property or manufactured home after proper demand is made as provided in section 504.24, the court shall enter an order requiring the plaintiff to return the property or manufactured home to the defendant and awarding reasonable expenses including attorney fees to the defendant.

Sec. 6. Minnesota Statutes 1990, section 566.175, subdivision 6, is amended to read:

Subd. 6. The provisions of This section shall apply only applies to:

(1) tenants as that term is defined in section 566.18, subdivision 2, and including occupants and owners of residential real property which is the subject of a mortgage foreclosure or contract for deed cancellation and as to which the period for redemption or reinstatement of the contract has expired;

(2) buildings as that term is defined in section 566.18, subdivision 7; and

(3) landlords as the term "owner" is defined in section 566.18, subdivision 3, but also including mortgagees and contract for deed vendors.

Sec. 7. Minnesota Statutes 1990, section 566.18, subdivision 9, is amended to read:

Subd. 9. [NEIGHBORHOOD ORGANIZATION.] "Neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that satisfies clauses (1) and (2).

The corporation shall:

(1) designate in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) be formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

For purposes of this chapter, an action taken by a neighborhood organization with the written permission of a tenant means, with respect to a building with multiple dwelling units, an action taken by the neighborhood organization with the written permission of the tenants of a majority of the occupied units.

Sec. 8. Minnesota Statutes 1990, section 566.19, subdivision 2, is amended to read:

Subd. 2. After an inspection of a building has been made upon demand by a tenant or neighborhood organization with the written permission of a tenant, the owner or the owner's agent and the complaining tenant or neighborhood organization shall be informed in writing by the inspector of any code violations discovered and a reasonable period of time shall be allowed in which to correct the violations. If any code violations are discovered in the common areas of the building and the owner fails to correct them within the time allowed, the inspector shall, in addition, provide written notice of such violations to all tenants in the building. Any such notice provided by the inspector shall state that if the violations are not corrected any tenant, neighborhood organization with the written permission of a tenant, or if the building is unoccupied, a neighborhood organization, may commence an action under sections 566.18 to 566.33 to correct the violations and shall also state the relief available under section 566.25.

Sec. 9. Minnesota Statutes 1990, section 566.205, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] A person authorized to bring an action under section 566.20 may petition the court for relief in cases of condemnation of the building or dwelling or service of a notice of intent to condemn the building or dwelling, or emergency involving the loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services or facilities that the owner is responsible for providing.

Sec. 10. Minnesota Statutes 1990, section 566.205, subdivision 3, is amended to read:

Subd. 3. [PETITION INFORMATION.] The petitioner shall present a verified petition to the district court that states the following:

- (1) a description of the premises and the identity of the owner;
- (2) a statement of the facts and grounds that demonstrate the existence of condemnation of the building or dwelling or service of notice of intent to condemn the building or dwelling, or an emergency caused by the loss of essential services or facilities; and
- (3) a request for relief.

Sec. 11. Minnesota Statutes 1990, section 566.205, subdivision 4, is amended to read:

Subd. 4. [NOTICE.] The petitioner shall attempt to notify the owner, at least 24 hours before application to the court, of the petitioner's intent to seek emergency relief. The petitioner shall attempt to give the same notice to the applicable unit of government if relief from condemnation is sought under section 566.25, paragraph (f). An order may be granted without notice to the owner or applicable unit of government on finding that reasonable efforts, as set forth in the petition or by separate affidavit, were made to notify the owner but that the efforts were unsuccessful.

Sec. 12. Minnesota Statutes 1990, section 566.21, subdivision 2, is amended to read:

Subd. 2. The summons and complaint shall be served upon the owner or the owner's agent, and upon the applicable unit of government if relief from condemnation is sought under section 566.25, paragraph (f), at least five and not more than ten days before the time at which the complaint is to be heard. Service shall be by personal service upon the defendant pursuant to the Minnesota rules of civil procedure except that if such service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to the building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the defendant.

Sec. 13. Minnesota Statutes 1990, section 566.25, is amended to read:

#### 566.25 [JUDGMENT.]

Upon finding the complaint proved, the court may, in its discretion, do any or all of the following, either alone or in combination:

- (a) Order the owner to remedy the violation or violations found by the court to exist if the court is satisfied that corrective action will be undertaken promptly; or
- (b) Order the tenant to remedy the violation or violations found by

the court to exist and deduct the cost from the rent subject to the terms as the court determines to be just; or

(c) Appoint an administrator with powers as set out in section 566.29, and

(1) direct that rents due:

(i) on and from the day of entry of judgment, in the case of petitioning tenants or neighborhood organizations, and

(ii) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if any, shall be deposited with the administrator appointed by the court, and

(2) direct that the administrator use the rents collected for the purpose of remedying the violations found to exist by the court paying the debt service, taxes and insurance, and providing the services necessary to the ordinary operation and maintenance of the building which the owner is obligated to provide but fails or refuses to provide; or

(d) Find the extent to which any uncorrected violations impair the tenants' use and enjoyment of the premises contracted for and order the rent abated accordingly. Should the court choose to enter judgment under this paragraph the parties shall be informed and the court shall find the amount by which the rent shall be abated;

(e) After termination of administration, continue the jurisdiction of the court over the building for a period of one year and order the owner to maintain the building in compliance with all applicable state, county, and city health, safety, housing, building, fire prevention, and housing maintenance codes; and

(f) Order the applicable unit of government to stay condemnation of the building or dwelling if other relief ordered by the court will correct the violations giving rise to the condemnation or notice of intent to condemn within a reasonable time considering the nature and extent of the violations; or

(g) Grant any other relief the court deems just and proper, including a judgment against the owner for reasonable attorney fees, not to exceed \$500, in the case of a prevailing tenant or neighborhood organization. The \$500 limitation does not apply to awards made under section 549.21 or other specific statutory authority.

Sec. 14. Minnesota Statutes 1990, section 566.29, subdivision 2, is amended to read:

Subd. 2. Such person or neighborhood organization shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from the governmental agencies shall not be required to give bond.

Sec. 15. Minnesota Statutes 1990, section 566.29, subdivision 4, is amended to read:

Subd. 4. [POWERS.] The administrator is authorized to:

(a) Collect rents from tenants and commercial tenants, evict tenants and commercial tenants for nonpayment of rent or other cause, enter into leases for vacant dwelling units, rent vacant commercial units with the consent of the owner and exercise all other powers necessary and appropriate to carry out the purposes of Laws 1973, chapter 611;

(b) Contract for the reasonable cost of materials, labor and services necessary to remedy the violation or violations found by the court to exist and for the rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and make disbursements for payment therefor from funds available for the purpose;

(c) Provide any services to the tenants which the owner is obligated to provide but refuses or fails to provide, and pay for them from funds available for the purpose;

(d) Petition the court, after notice to the parties, for an order allowing the administrator to encumber the premise premises to secure funds to the extent necessary to cover the cost of materials, labor, and services, including reasonable fees for the administrator's services, necessary to remedy the violation or violations found by the court to exist and for rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and to pay for them from funds derived from the encumbrance; and

(e) Petition the court, after notice to the parties, for an order allowing the administrator to receive funds made available for this purpose by the federal or state governing body or the municipality to the extent necessary to cover the cost of materials, labor, and services necessary to remedy the violation or violations found by the court to exist and for rehabilitation of the property in order to maintain safe and habitable conditions over the useful life of the property, and pay for them from funds derived from the municipal seerees this source. The municipality shall recover disbursements by special assessment on the real estate affected, bearing interest at the rate determined by the municipality, not exceeding the rate established for finance charges for open-end credit sales under

section 334.16, subdivision 1, clause (b), with the assessment, interest and any penalties to be collected the same as special assessments made for other purposes under state statute or municipal charter.

Sec. 16. Minnesota Statutes 1990, section 566.34, subdivision 2, is amended to read:

Subd. 2. [ESCROW OF RENT.] If a violation exists in a building, a tenant may deposit the amount of rent due to the owner with the court administrator using the following procedure:

(a) For a violation of section 566.18, subdivision 6, clause (a), the tenant may deposit with the court administrator the rent due the owner along with a copy of the written notice of the code violation as provided in section 566.19, subdivision 2. The tenant may not deposit the rent or file the written notice of the code violation until the time granted to make repairs has expired without satisfactory repairs being made, unless the tenant alleges that the time granted is excessive.

(b) For a violation of section 566.18, subdivision 6, clause (b) or (c), the tenant must give written notice to the owner specifying the violation. The notice must be delivered personally or sent to the person or place where rent is normally paid. If the violation is not corrected within 14 days, the tenant may deposit the amount of rent due to the owner with the court administrator along with an affidavit specifying the violation. The court must provide a simplified form affidavit for use under this clause.

(c) The tenant need not deposit rent if none is due to the owner at the time the tenant otherwise files the notice required by this subdivision. All rent which thereafter becomes due to the owner prior to the hearing under this section must be deposited with the court administrator. As long as proceedings are pending under this section, the tenant must pay rent to the owner or as directed by the court and may not withhold rent to remedy a violation.

Sec. 17. [609.606] [UNLAWFUL OUSTER OR EXCLUSION.]

A landlord, agent of the landlord, or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements or intentionally interrupts or causes the interruption of electrical, heat, gas, or water services to the tenant with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor.

## ARTICLE 3

### STATE HOUSING PROGRAMS

Section 1. Minnesota Statutes 1990, section 116C.04, is amended by adding a subdivision to read:

Subd. 11. The environmental quality board shall coordinate the implementation of an interagency compliance with existing state and federal lead regulations and report to the legislature by January 31, 1992, on the changes in programming needed to comply.

Sec. 2. [116K.15] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 2 to 8, the following terms have the meanings given them.

Subd. 2. [ADVISORY COMMITTEE.] "Advisory committee" means the committee established in section 4.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the state planning agency.

Subd. 4. [ELIGIBLE ORGANIZATION.] "Eligible organization" means a nonprofit organization run by or for the homeless that has representation by homeless or formerly homeless persons on its governing board and can demonstrate an ability to design a program to provide homeownership opportunities for homeless persons with education and training services for homeless adults.

Subd. 5. [HOMELESS INDIVIDUAL.] "Homeless individual" or "homeless person" is defined in the Stewart B. McKinney Homeless Assistance Act of 1987, and means:

- (1) residents of overnight shelters;
- (2) residents of battered women shelters and safe homes;
- (3) persons who are inappropriately doubled up;
- (4) migrant or seasonal farm workers;
- (5) persons residing in transitional housing;
- (6) persons residing in detoxification centers who do not have permanent addresses; and
- (7) persons residing outside, in cars, or in abandoned buildings.

The term homeless individual does not include any individual imprisoned or otherwise detained under federal or state law.

Subd. 6. [VERY LOW INCOME.] "Very low income" means incomes that are at or less than 50 percent of the median income for the seven-county metropolitan area.

Sec. 3. [116K.16] [PLANNING AND DEMONSTRATION GRANTS.]

The commissioner shall make planning and demonstration grants to eligible organizations for programs to provide homeownership opportunities, education and training, or services to homeless adults. The programs are to include a work experience component with work projects that result in the rehabilitation or construction of residential units for the homeless. To the extent possible, the program should coordinate the use of resources from existing housing and homeless programs. Two or more eligible organizations may jointly apply for a grant. The commissioner shall administer the grant program.

Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a grant.

Sec. 4. [116K.17] [ADVISORY COMMITTEE.]

An 11-member advisory committee is established as provided under section 15.059 to assist the commissioner in selecting eligible organizations to receive planning grants, evaluating the final reports of each organization, and providing recommendations to the legislature. Members of the committee may be reimbursed for expenses but may not receive any other compensation for service on the committee. The advisory committee consists of representatives of the commissioners of human services and jobs and training; a representative of the chancellor of vocational education; a representative of the commissioner of the housing finance agency; and seven public members appointed by the governor. Each of the following groups must be represented by a public member: labor organizations, local housing developers, representatives from homeless organizations, and homeless or formerly homeless persons. At least three of the public members must be from outside of the seven-county metropolitan area as defined in section 473.121, subdivision 2. The commissioner may provide staff to the advisory committee to assist it in carrying out its purpose.

Sec. 5. [116K.18] [PROGRAM; PURPOSE AND DESIGN.]

Subdivision 1. [PROGRAM PURPOSE.] The grants awarded under section 3 are for the design of a program to coordinate existing housing resources and programs to provide homeownership opportunities for homeless adults and families, promote individual stability and responsibility of homeless adults through training for jobs that pay a living wage, job placement, life skills development, and access to community support services including, but not limited to, health services, counseling, and drug rehabilitation. Each program must include a work experience and training component, job skills component, and life skills component.

Subd. 2. [WORK EXPERIENCE AND TRAINING COMPONENT.] A work experience and training component must provide vocational skill training in an industry where there are potential opportunities for jobs that pay a living wage. A monetary compensation may be provided to program participants. The compensation must be provided to participants who are recipients of public assistance in a manner or amount which will not reduce public assistance benefits. The work experience component must be designed so that work projects result in the expansion of residential units for homeless persons and very low-income individuals and families. Work must be done under the direct supervision of certified or licensed individuals skilled in each specific trade or vocation. Craft work must be done under the supervision of persons who have completed a state approved registered apprenticeship in the craft work being supervised. The program design must identify areas of need for trained workers to perform tasks such as lead abatement, and work with appropriate agencies and certified or licensed workers to develop training methods. The program design must include an examination of how program participants may achieve certification as a part of the work experience and training component by entering licensing, apprenticeship, or other educational programs.

Subd. 3. [JOB READINESS SKILLS COMPONENT.] A job readiness skills component must be included in each program design. The component must provide program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will be able to compete in the employment market.

Subd. 4. [LIFE SKILLS COMPONENT.] A life skills component must be included in each program design. The component must include mentoring to develop homeownership skills, and offer or coordinate participation in parenting and citizenship classes and leadership development to encourage community involvement and responsibility.

**Sec. 6. [116K.19] [HOUSING FOR HOMELESS.]**

Subdivision 1. [REQUIREMENT.] The work experience component in section 5 must include work projects that provide residential

units through construction or rehabilitation for the homeless and families of very low income.

Subd. 2. [PRIORITY FOR HOUSING.] Any residential units that become available through the employment and training program must be allocated in the following order:

- (1) homeless families with at least one dependent;
- (2) homeless persons who have worked on the rehabilitation;
- (3) other homeless individuals;
- (4) other very low-income families and individuals; and
- (5) families or individuals that receive public assistance and that do not qualify in any other priority group.

Subd. 3. [ACQUISITION OF HOUSING UNITS.] The program design must include an examination of the means of acquiring property or buildings for the construction or rehabilitation of residential units at the lowest possible cost. The examination must include the review of possible sources of property and funding through federal, state, or local agencies, including the federal Department of Housing and Urban Development and Farmers Home Administration, the housing finance agency, and the local housing authority.

Subd. 4. [MANAGEMENT OF RESIDENTIAL UNITS.] The program design must address how to manage these residential units, including the source of financing for the maintenance costs of the buildings. Any management plan must include the participation of the residents and local established neighborhood groups.

Sec. 7. [REQUIREMENTS OF ORGANIZATIONS RECEIVING GRANTS.] An organization that is awarded a planning grant under section 3 shall prepare and submit a report to the commissioner by January 15, 1992. The report must address each of the following:

- (1) the method for encouraging the participation of the targeted youth in the geographic area surrounding the organization receiving the grant;
- (2) the type and degree of work experience that program participants must participate in, including real work experience in both vocational and nonvocational settings;
- (3) the amount of monetary compensation that each participant should receive while participating in the work experience component. The monetary compensation must reflect the prevailing rate of

wages unless a participant's receipt of public assistance is affected. Any contracted or subcontracted work must be subject to the prevailing wage rate under section 177.42. Prevailing wage for the construction crafts is the amount registered with the Minnesota department of labor. Nonconstruction jobs will be paid at the local market standard for each job type. Compensation should be structured to include incentives for progress toward increasing job skills and continued training;

(4) the identification and means of providing the necessary job readiness skills so that program participants who have completed the work experience and educational components of the program may have the ability to compete in the employment market;

(5) the methods that may be used to assist in placing program participants in suitable employment;

(6) a plan for evaluating the program, including the necessary data elements that must be collected from program participants;

(7) the identification of existing public and private programs that may be coordinated by the program to avoid duplication of services;

(8) the identification of regional characteristics that may affect the operation of the program in the specified region where the organization is located;

(9) cost estimates for each of the components of the program; and

(10) the identification of funding sources other than state appropriations that may be used to support the program.

#### Sec. 8. [REPORT.]

The commissioner shall prepare and submit a report to the legislature and the governor by February 15, 1992, that outlines the various program designs submitted by the organizations that received planning grants. The report must also include recommendations on which components of the program design are most suitable to meeting the needs of homeless adults for homeownership opportunities. The advisory committee must participate in the preparation of this report and in the formulation of the recommendations.

#### Sec. 9. [268.44] [EMERGENCY MORTGAGE AND RENTAL ASSISTANCE PILOT PROJECT.]

Subdivision 1. [ADMINISTRATION.] The commissioner of jobs and training shall administer an emergency mortgage and rental assistance pilot project for individuals who are in danger of losing their housing as a result of having insufficient income to allow

payment of their rental or mortgage costs. "Eligible project participants" are individuals ineligible for emergency assistance or general assistance for housing whose income does not exceed 80 percent of the area median income at the time of application to the project. No individual or family may receive more than six months of rental or mortgage assistance or \$2,000, whichever is less. The commissioner of jobs and training may establish eligibility priorities for emergency rental or mortgage assistance among the categories of persons needing assistance, including persons subject to eviction for nonpayment of rent or foreclosure for nonpayment of mortgage installments or property taxes, when nonpayment is attributable to illness, unanticipated unemployment, underemployment, or any other failure of resources beyond the person's control.

Subd. 2. [LOCAL RESPONSIBILITIES.] The commissioner of jobs and training must disburse funds to local agencies responsible for the distribution of emergency assistance. The local agencies may distribute funds to landlords and mortgage holders of eligible project participants and may determine the amount of assistance on a case-by-case basis. Local agencies must provide program participants with case management services, referral services relating to housing, and other resources and programs that may be available to them.

Subd. 3. [MORTGAGE ASSISTANCE.] Eligible homeowners at risk of losing their housing as a result of a short-term disruption or decrease in income may receive monthly mortgage or mortgage arrears assistance interest-free loans. To qualify for assistance, a homeowner must be at least two months delinquent on home mortgage payments. The local distributing agency must determine repayment schedules on a case-by-case basis. If the homeowner sells the house within five years of receiving assistance, net proceeds from the sale must be applied to the mortgage assistance loan. The commissioner of jobs and training must inform mortgagees of the mortgage assistance project.

Subd. 4. [RENTAL ASSISTANCE.] Eligible applicants who are in danger of losing their housing may receive monthly rental or rental arrears assistance payments. Monthly rental assistance payments may not exceed the fair market value of the rental housing unit. Persons may be required to repay the rental assistance based on their financial ability to pay, as determined by the local distributing agency.

Subd. 5. [SECURITY DEPOSIT ASSISTANCE.] Project money may be used for security deposits on rental housing. Persons may be required to repay security deposit assistance based on their financial ability to pay, as determined by the local distributing agency.

Sec. 10. Minnesota Statutes 1990, section 462A.03, subdivision 10, is amended to read:

Subd. 10. "Persons and families of low and moderate income" means persons and families, irrespective of race, creed, national origin or, sex, or status with respect to guardianship or conservatorship, determined by the agency to require such assistance as is made available by sections 462A.01 to 462A.24 on account of personal or family income not sufficient to afford adequate housing. In making such determination the agency shall take into account the following: (a) The amount of the total income of such persons and families available for housing needs, (b) the size of the family, (c) the cost and condition of housing facilities available, (d) the eligibility of such persons and families to compete successfully in the normal housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing. In the case of federally subsidized mortgages with respect to which income limits have been established by any agency of the federal government having jurisdiction thereover for the purpose of defining eligibility of low and moderate income families, the limits so established shall govern under the provision of sections 462A.01 to 462A.24. In all other cases income limits for the purpose of defining low or moderate income persons shall be established by the agency by emergency or permanent rules.

Sec. 11. Minnesota Statutes 1990, section 462A.05, subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. The loans may be insured or uninsured and may be made with security, or may be unsecured, as the agency deems advisable. The loans may be in addition to or in combination with long-term eligible mortgage loans under subdivision 3. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if refinancing is determined by the agency to be necessary to permit the owner to meet the owner's housing cost without expending an unreasonable portion of the owner's income thereon. No loan for rehabilitation shall be made unless the agency determines that the loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing, for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, or to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having codes and standards, the agency may, solely for the purpose of administering the provisions of this chapter, establish codes and standards. Except for accessibility improvements under subdivision 14d, no loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the

property, would exceed its market value, as determined by the agency. No loan under this subdivision shall be denied solely because the loan will not be used for placing the residential housing in full compliance with all state, county, or municipal building, housing maintenance, fire, health, or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 12. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 14d. [ACCESSIBILITY LOAN PROGRAM.] Rehabilitation loans authorized under subdivision 14 may be made to eligible persons and families whose income does not exceed the maximum income limits allowable under section 143(f) of the Internal Revenue Code of 1986 as amended through June 30, 1991.

A person or family is eligible to receive an accessibility loan under the following conditions:

(1) the borrower or a member of the borrower's family requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility for persons with mental retardation or related conditions;

(2) home care is appropriate; and

(3) the improvement will enable the borrower or a member of the borrower's family to reside in the housing.

Sec. 13. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 15c. [RESIDENTIAL LEAD ABATEMENT.] It may make or purchase loans or grants for the abatement of hazardous levels of lead paint in residential buildings and lead contaminated soil on the property of residential buildings occupied by low- and moderate-income persons. Hazardous levels are as determined by the department of health or the pollution control agency. The agency must establish criteria for a residential lead paint and lead contaminated soil abatement program, including the terms of loans and grants under this section, a maximum amount for loans or grants, eligible owners, eligible contractors, and eligible buildings. The agency may make grants to cities, local units of government, registered lead abatement contractors, and nonprofit organizations for the purpose of administering a residential lead paint and contaminated lead soil abatement program. No loan or grant may be made for a multifamily building which contains housing maintenance code violations

unless the violations are being corrected in conjunction with receipt of the loan or grant under this section or other funding source. The agency must establish standards for the relocation of families where necessary and the payment of relocation expenses. To the extent possible, the agency must coordinate loans and grants under this section with existing housing programs.

The agency shall report to the legislature by January 1993 on the costs and benefits of subsidized lead abatement and the extent of the childhood lead exposure problem.

Sec. 14. Minnesota Statutes 1990, section 462A.05, subdivision 20, is amended to read:

Subd. 20. (a) The agency may make loans or grants to for profit, limited dividend, or nonprofit sponsors, as defined by the agency, for residential housing to be used to provide temporary or transitional housing to low- and moderate-income persons and families having an immediate need for temporary or transitional housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing, or other cause defined by the agency.

(b) Loans or grants for housing for chronic chemically dependent adults may be made under this subdivision. Housing for chronic chemically dependent adults must satisfy the following conditions:

(1) be certified by the department of health or the city as a board and lodging facility or single residence occupancy housing;

(2) meet all applicable health, building, fire safety, and zoning requirements;

(3) be located in an area significantly distant from the present location of county detoxification service sites;

(4) make available the services of trained personnel to appraise each client before or upon admission and to provide information about medical, job training, and chemical dependency services as necessary;

(5) provide on-site security designed to assure the health and safety of clients, staff, and neighborhood residents; and

(6) operate with the guidance of a neighborhood-based board.

Priority for loans and grants made under this paragraph must be given to proposals which address the needs of the Native American population and veterans of military services for this type of housing.

(c) Loans or grants pursuant to this subdivision shall not be used for residential care facilities or for facilities that provide housing available for occupancy on less than a 24-hour continuous basis. To the extent possible, a sponsor shall combine the loan or grant with other funds obtained from public and private sources. In making loans or grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and the appropriate security should repayment be required.

Sec. 15. Minnesota Statutes 1990, section 462A.21, is amended by adding a subdivision to read:

Subd. 16. [RESIDENTIAL LEAD PAINT AND LEAD CONTAMINATED SOIL ABATEMENT.] It may make loans or grants for the purpose of the abatement of hazardous levels of lead paint in residential buildings and lead contaminated soil under section 462A.05, subdivision 15c, and may pay the costs and expenses necessary and incidental to the development and operation of the program.

Sec. 16. Minnesota Statutes 1990, section 462A.222, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION PROCEDURE.] (a) Projects will be awarded tax credits in three competitive rounds on an annual basis. The date for applications for each round must be determined by the agency. No allocating agency may award tax credits prior to the application dates established by the agency.

(b) Each allocating agency must meet the requirements of section 42(m) of the Internal Revenue Code of 1986, as amended through December 31, 1989, for the allocation of tax credits and the selection of projects.

(c) For applications submitted for the first round, an allocating agency may allocate tax credits only to the following types of projects:

(1) single-room occupancy projects which are affordable by households whose income does not exceed 30 percent of the median income;

(2) family housing projects in which at least 75 percent of the units contain two or more bedrooms and at least one-third of the 75 percent contain three or more bedrooms;

(3) projects in which at least 50 percent a percentage of the units are for mentally ill, mentally retarded, drug dependent, develop-

~~mentally disabled, or physically handicapped set aside and rented to persons;~~

~~(i) with a serious and persistent mental illness as defined in section 245.462, subdivision 20, paragraph (c);~~

~~(ii) with a developmental disability as defined in United States Code, title 42, section 6001, paragraph (7), as amended through December 31, 1990;~~

~~(iii) who have been assessed as drug dependent persons as defined in section 254A.02, subdivision 5, and are receiving or will receive care and treatment services provided by an approved treatment program as defined in section 254A.02, subdivision 2;~~

~~(iv) with a brain injury as defined in section 256B.093, subdivision 4, paragraph (a); or~~

~~(v) with physical disabilities if at least 50 percent of the units are accessible as provided under Minnesota Rules, chapter 1340;~~

~~(4) projects which preserve existing subsidized housing which is subject to prepayment if the use of tax credits is necessary to prevent conversion to market rate use; or~~

~~(5) projects financed by the Farmers Home Administration which meet statewide distribution goals.~~

~~(d) Before the date for applications for the second round, the allocating agencies other than the agency shall return all uncommitted and unallocated tax credits to the pool from which they were allocated, along with copies of any allocation or commitment. In the second round, the agency shall allocate the remaining credits from the regional pools to projects from the respective regions.~~

~~(e) In the third round, all unallocated tax credits must be transferred to a unified pool for allocation by the agency on a statewide basis.~~

~~(f) Unused portions of the state ceiling for low-income housing tax credits reserved to cities and counties for allocation may be returned at any time to the agency for allocation.~~

Sec. 17. Minnesota Statutes 1990, section 504.33, subdivision 3, is amended to read:

Subd. 3. [DISPLACE.] "Displace" means to demolish, acquire for or convert to a use other than low-income housing, or to provide or spend money that directly results in the demolition, acquisition, or conversion of housing to a use other than low-income housing.

"Displace" does not include providing or spending money that directly results in: (i) housing improvements made to comply with health, housing, building, fire prevention, housing maintenance, or energy codes or standards of the applicable government unit; (ii) housing improvements to make housing more accessible to a handicapped person; or (iii) the demolition, acquisition, or conversion of housing for the purpose of creating owner-occupied housing that consists of no more than four units per structure; or (iv) demolition, acquisition, or conversion of owner-occupied housing by cities of the first class as defined in section 410.01.

Sec. 18. Minnesota Statutes 1990, section 504.33, subdivision 5, is amended to read:

Subd. 5. [LOW-INCOME HOUSING.] "Low-income housing" means rental housing with a rent less than or equal to 30 percent of 50 percent of the median income for the county the fair market rent level as defined by the Department of Housing and Urban Development in which the rental housing is located, adjusted by size; or owner-occupied housing with an estimated market value less than one-half of the median estimated market value for owner-occupied housing for the county or metropolitan statistical area in which the owner-occupied housing is located. "Low-income housing" also includes rental housing buildings as defined by section 566.18, subdivision 7 that has have been vacant for less than two years, that contain rental or owner-occupied housing that was low-income housing when it was last occupied, and that is have not been condemned as being unfit for human habitation by the applicable government unit.

Sec. 19. Minnesota Statutes 1990, section 504.33, subdivision 7, is amended to read:

Subd. 7. [REPLACEMENT HOUSING.] "Replacement housing" means rental housing that is:

(1) the lesser of (i) the is sufficient in number and corresponding size of to house no fewer than the number of occupants who could have been housed in the displaced low-income housing units displaced, or (ii) sufficient in number and corresponding size of those low-income housing units displaced to meet the demand for those units;

(2) is low-income housing for the greater of 15 years or the compliance period of the federal low-income housing tax credit under United States Code, title 26, section 42(i)(1), as amended. This section does not prohibit increases in rent to cover operating expenses;

(3) in the case of owner-occupied housing, affordable to persons whose income is less than or equal to 80 percent of the median

income for the metropolitan statistical area in which the replacement owner-occupied housing is located;

(4) is in at least standard condition; and

(4) (5) is located in the neighborhood of the city where the displaced low-income housing units were located to the extent possible, except where the land is zoned industrial or there is insufficient vacant or underutilized land for development or no vacant buildings as defined by section 566.18, subdivision 7 for redevelopment in the neighborhood;

(6) has a preference for persons who occupied low-income housing that was displaced, who have resided in the neighborhood of the city where the displaced low-income housing was located, or who qualify for a preference under United States Code, title 42, section 1437(c)(4)(A); and

(7) in a city of the first class outside the metropolitan area as defined by section 473.121, subdivision 2, replacement housing can be used to achieve economic integration as described in the city plan.

Replacement housing may be provided as newly constructed housing, or rehabilitated or rent subsidized existing housing that does not already qualify as low-income housing. Low-income housing designated as replacement housing for low-income housing displaced in one year cannot be designated as replacement housing for low-income housing displaced in another year.

Sec. 20. Minnesota Statutes 1990, section 504.34, subdivision 3, is amended to read:

Subd. 3. [CONTENTS.] The draft and final annual housing impact reports must include:

(1) identification of each low-income housing unit that was displaced in the previous year in the city where housing was displaced by the government unit, including the unit's address, size, and rent; the number of persons who could have occupied the unit; the condition the unit was in, and whether it was habitable at the time of displacement; the owner of the unit; whether it was owner occupied; and how and when it was displaced;

(2) identification of the cities and neighborhoods where occupants of displaced low-income housing moved immediately following displacement;

(3) identification of each unit of replacement housing provided in the previous year in the city, including the unit's address, size, and

rent; the number of persons who could occupy the unit; the owner of the unit; whether it is owner occupied; and an identification of the displaced low-income housing unit that was replaced by the unit of replacement housing;

(3) (4) identification of the cities and neighborhoods where occupants of replacement housing resided immediately before moving into replacement housing;

(5) analysis of the supply of and demand for all sizes of low-income housing units, by size and rent, in the city;

(4) (6) determination of whether there is an adequate supply of available and unoccupied low-income housing units to meet the demand for all sizes of low-income housing, by size and rent, in the city where housing has been displaced by the government unit;

(5) (7) estimation of the cost of providing replacement housing for low-income housing not in adequate supply to meet the demand for all sizes of low-income housing, by size and rent, in the city where housing has been displaced by the government unit; and

(6) (8) analysis of the government unit's compliance with the replacement plans of previous housing annual impact reports and project housing impact statements.

Sec. 21. Minnesota Statutes 1990, section 504.34, subdivision 5, is amended to read:

Subd. 5. [NOTICE; REQUEST FOR COMMENTS.] A government unit subject to this section must provide for public input in preparing the annual housing impact report, including a public comment period and a public hearing. The government unit must publish notice of its draft annual housing impact report in a newspaper of general circulation in the city by the deadline for completion of the draft annual housing impact report. The notice must include a request for comments on the draft annual housing impact report within the 30 days following the notice, and the date, time, and location of the public hearing on the draft annual housing impact report, to be held within 15 to 30 days following the date of notice. Copies of the notice, a summary of the findings of the report, and the list of persons and organizations receiving the notice and draft report must be sent to the neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. Copies of the notice and the draft annual housing impact report must be submitted to, the state planning agency and the Minnesota housing finance agency.

Sec. 22. Minnesota Statutes 1990, section 504.34, subdivision 6, is amended to read:

Subd. 6. [FINAL ANNUAL HOUSING IMPACT REPORT.] In preparing and approving a final annual housing impact report, a government unit subject to this section must consider comments received during the comment period and at the public hearing on the draft report. The final report shall be prepared within 30 days following the deadline for receipt of comments on the draft annual housing impact report. The final annual housing impact report must include all written comments and a summary of oral comments on the draft housing impact report and a response to the comments. The government unit shall publish notice of the final annual housing impact report in a newspaper of general circulation in the city. Copies of the notice and a summary of the findings of the final annual housing impact report must be sent to neighborhood and citizen participation organizations, district planning councils, housing referral and information services, shelters, homeless and tenants advocacy groups, and legal aid offices in the city where the displaced low-income housing was located. Copies of the notice and the draft annual housing impact report must be submitted to, the state planning agency and the Minnesota housing finance agency.

Sec. 23. [APPROPRIATION; DEPARTMENT OF JOBS AND TRAINING.]

\$..... is appropriated from the general fund to the commissioner of jobs and training for the emergency mortgage and rental assistance pilot project to be available for the biennium ending June 30, 1993.

\$..... is appropriated from the general fund to the commissioner of jobs and training for the operation of transitional housing programs under Minnesota Statutes, section 268.38, to be available for the biennium ending June 30, 1993.

Sec. 24. [APPROPRIATION; HOUSING TRUST FUND ACCOUNT.]

\$..... is appropriated and transferred from the general fund to the housing trust fund account in the housing development fund for the purposes specified in Minnesota Statutes, section 462A.201.

Sec. 25. [APPROPRIATION; HOUSING DEVELOPMENT FUND.]

\$..... is appropriated from the general fund to the housing development fund for the tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14.

## Sec. 26. [APPROPRIATION; HOUSING FOR HOMELESS.]

\$..... is appropriated to the commissioner of state planning to administer sections 2 to 8 to be available for the biennium ending June 30, 1993.

## ARTICLE 4

### YOUTH EMPLOYMENT

Section 1. Minnesota Statutes 1990, section 268.362, is amended to read:

## 268.362 [GRANTS.]

Subdivision 1. [GENERALLY] The commissioner shall make grants to eligible organizations for programs to provide education and training services to targeted youth. The purpose of these programs is to provide specialized training and work experience to at-risk targeted youth who have not been served effectively by the current educational system. The programs are to include a work experience component with work projects that result in the rehabilitation or construction of residential units for the homeless. Two or more eligible organizations may jointly apply for a grant. The commissioner shall administer the grant program.

Subd. 2. [GRANT APPLICATIONS; AWARDS.] Interested eligible organizations must apply to the commissioner for the grants. The advisory committee must review the applications and provide to the commissioner a list of recommended eligible organizations that the advisory committee determines meet the requirements for receiving a grant. The total grant award for any program may not exceed \$50,000 per year. In awarding grants, the commissioner must give priority to (1) organizations that are operating or have operated successfully a program; and (2) to distributing programs throughout the state. To receive a grant under this section, the eligible organization must match the grant money with at least an equal amount of nonstate money. The commissioner must verify that the eligible organization has matched the grant money.

Sec. 2. Minnesota Statutes 1990, section 268.364, subdivision 4, is amended to read:

Subd. 4. [JOB READINESS SKILLS COMPONENT.] A job readiness skills component must be included in comprise at least 20 percent of each program. The component must provide program participants with job search skills, placement assistance, and other job readiness skills to ensure that participants will have an understanding of the building trades, unions, self-employment and other

employment opportunities and be able to compete in the employment market.

Sec. 3. Minnesota Statutes 1990, section 268.365, subdivision 2, is amended to read:

Subd. 2. [PRIORITY FOR HOUSING.] Any residential units that become available through the program must be allocated in the following order:

- (1) homeless individuals who have participated in constructing, rehabilitating, or improving the unit;
- (2) homeless families with at least one dependent;
- (2) (3) other homeless individuals;
- (3) (4) other very low income families and individuals; and
- (4) (5) families or individuals that receive public assistance and that do not qualify in any other priority group.

Sec. 4. [APPROPRIATION.]

\$..... is appropriated from the general fund to the commissioner of state planning to fund youth employment program grants in the development regions designated under Minnesota Statutes, section 462.385, and in cities of the first class.

## ARTICLE 5

### ASSIGNMENT OF RENTS AND RECEIVERSHIP

Section 1. Minnesota Statutes 1990, section 504.20, subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within three weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall be or fails to transfer or return a deposit as required under subdivision 5, is liable to the tenant or the successor in interest for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 2. Minnesota Statutes 1990, section 504.20, subdivision 5, is amended to read:

Subd. 5. Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or the landlord's agent shall, within a reasonable time 60 days of termination of the interest or when the successor in interest is required to return or otherwise account for the deposit to the tenant, whichever occurs first, do one of the following acts, either of which shall relieve the landlord or agent of further liability with respect to such deposit:

- (a) Transfer such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the landlord's successor in interest and thereafter notify the tenant of such transfer and of the transferee's name and address; or
- (b) Return such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the tenant.

Sec. 3. Minnesota Statutes 1990, section 504.20, subdivision 7, is amended to read:

Subd. 7. The bad faith retention by a landlord of the a deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 for each deposit in addition to the damages provided in subdivision 4. If the landlord has failed to comply with the provisions of subdivision 3 or 5, retention of the a deposit shall be presumed to be in bad faith unless the landlord returns the deposit within two weeks after the commencement of any action for the recovery of the deposit.

Sec. 4. Minnesota Statutes 1990, section 559.17, subdivision 2, is amended to read:

Subd. 2. A mortgagor may assign, as additional security for the debt secured by the mortgage, the rents and profits from the mortgaged real property, if the mortgage:

- (1) Was executed, modified or amended subsequent to August 1, 1977;
- (2) Secured an original principal amount of \$500,000 \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units; and
- (3) Is not a lien upon property which was entirely homesteaded as, residential real estate containing four or less dwelling units where at least one of the units is homesteaded, or agricultural property. The assignment may be enforced as follows:

(a) If, by the terms of an assignment, a receiver is to be appointed upon the occurrence of some specified event, and a showing is made that the event has occurred, the court shall, without regard to waste, adequacy of the security, or solvency of the mortgagor, appoint a receiver who shall, with respect to the excess cash remaining after application as provided in section 576.01, subdivision 2, apply it as prescribed by the assignment. If the assignment so provides, the receiver shall apply the excess cash in the manner set out herein from the date of appointment through the entire redemption period from any foreclosure sale. Subject to the terms of the assignment, the receiver shall have the powers and duties as set forth in section 576.01, subdivision 2; or

(b) If no provision is made for the appointment of a receiver in the assignment or if by the terms of the assignment a receiver may be appointed, the assignment shall be binding upon the assignor unless or until a receiver is appointed without regard to waste, adequacy of the security or solvency of the mortgagor, but only in the event of default in the terms and conditions of the mortgage, and only in the event the assignment requires the holder thereof to first apply the rents and profits received as provided in section 576.01, subdivision 2, in which case the same shall operate against and be binding upon the occupiers of the premises from the date of filing by the holder of the assignment in the office of the county recorder or the office of the registrar of titles for the county in which the property is located of a notice of default in the terms and conditions of the mortgage and service of a copy of the notice upon the occupiers of the premises. The holder of the assignment shall apply the rents and profits received in accordance with the terms of the assignment, and, if the assignment so provides, for the entire redemption period from any foreclosure sale. A holder of an assignment who enforces it in accordance with this clause shall not be deemed to be a mortgagee in possession with attendant liability.

Nothing contained herein shall prohibit the right to reinstate the mortgage debt granted pursuant to section 580.30, nor the right to redeem granted pursuant to sections 580.23 and 581.10, and any excess cash, as that term is used herein, collected by the receiver under clause (a), or any rents and profits taken by the holder of the assignment under clause (b), shall be credited to the amount required to be paid to effect a reinstatement or redemption.

Sec. 5. Minnesota Statutes 1990, section 576.01, subdivision 2, is amended to read:

Subd. 2. A receiver shall be appointed in the following case:

After the first publication of notice of sale for the foreclosure of a mortgage pursuant to chapter 580, or with the commencement of an action to foreclose a mortgage pursuant to chapter 581, and during the period of redemption, if the mortgage being foreclosed secured

an original principal amount of \$500,000 \$100,000 or more or is a lien upon residential real estate containing more than four dwelling units and was not a lien upon property which was entirely homesteaded, residential real estate containing four or less dwelling units where at least one unit is homesteaded, or agricultural property, the foreclosing mortgagee or the purchaser at foreclosure sale may at any time bring an action in the district court of the county in which the mortgaged premises or any part thereof is located for the appointment of a receiver; provided, however, if the foreclosure is by action under chapter 581, a separate action need not be filed. Pending trial of the action on the merits, the court may make a temporary appointment of a receiver following the procedures applicable to temporary injunctions under the rules of civil procedure. If the motion for temporary appointment of a receiver is denied, the trial of the action on the merits shall be held as early as practicable, but not to exceed 30 days after the motion for temporary appointment of a receiver is heard. The court shall appoint a receiver upon a showing that the mortgagor has breached a covenant contained in the mortgage relating to any of the following:

- (1) Application of tenant security deposits as required by section 504.20;
- (2) Payment when due of prior or current real estate taxes or special assessments with respect to the mortgaged premises, or the periodic escrow for the payment of the taxes or special assessments;
- (3) Payment when due of premiums for insurance of the type required by the mortgage, or the periodic escrow for the payment of the premiums;
- (4) Keeping of the covenants required of a lessor or licensor pursuant to section 504.18, subdivision 1.

The receiver shall be an experienced property manager. The court shall determine the amount of the bond to be posted by the receiver.

The receiver shall collect the rents, profits and all other income of any kind, manage the mortgaged premises so to prevent waste, execute leases within or beyond the period of the receivership if approved by the court, pay the expenses listed in clauses (1), (2), and (3) in the priority as numbered, pay all expenses for normal maintenance of the mortgaged premises and perform the terms of any assignment of rents which complies with section 559.17, subdivision 2. Reasonable fees to the receiver shall be paid prior thereto. The receiver shall file periodic accountings as the court determines are necessary and a final accounting at the time of discharge.

The purchaser at foreclosure sale shall have the right, at any time and without limitation as provided in section 582.03, to advance money to the receiver to pay any or all of the expenses which the

receiver should otherwise pay if cash were available from the mortgaged premises. Sums so advanced, with interest, shall be a part of the sum required to be paid to redeem from the sale. The sums shall be proved by the affidavit of the purchaser, an agent or attorney, stating the expenses and describing the mortgaged premises. The affidavit must be filed for record with the county recorder or the registrar of titles, and a copy thereof shall be furnished to the sheriff and the receiver at least ten days before the expiration of the period of redemption.

Any sums collected which remain in the possession of the receiver at termination of the receivership shall, in the event the termination of the receivership is due to the reinstatement of the mortgage debt or redemption of the mortgaged premises by the mortgagor, be paid to the mortgagor; and in the event termination of the receivership occurs at the end of the period of redemption without redemption by the mortgagor or any other party entitled to redeem, interest accrued upon the sale price pursuant to section 580.23 or section 581.10 shall be paid to the purchaser at foreclosure sale. Any net sum remaining shall be paid to the mortgagor, except if the receiver was enforcing an assignment of rents which complies with section 559.17, subdivision 2, in which case any net sum remaining shall be paid pursuant to the terms of the assignment.

This subdivision shall apply to all mortgages executed on or after August 1, 1977, and to amendments or modifications of such mortgages, and to amendments or modifications made on or after August 1, 1977, to mortgages executed before August 1, 1977, if the amendment or modification is duly recorded and is for the principal purpose of curing a default.

## ARTICLE 6

### HOUSING AND REDEVELOPMENT AUTHORITIES

Section 1. Minnesota Statutes 1990, section 469.011, subdivision 4, is amended to read:

Subd. 4. [EXPENSES; COMPENSATION.] Each commissioner may receive necessary expenses, including traveling expenses, incurred in the performance of duties. Each commissioner may be paid \$35 \$55 for attending each regular and special meeting of the authority. The aggregate of all payments to each commissioner for any one year shall not exceed \$2,500. Commissioners who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may not receive the daily payment, but they may suffer no loss in compensation or benefits

from the state or a political subdivision as a result of their service on the board. Commissioners who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Commissioners who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 2. Minnesota Statutes 1990, section 469.012, subdivision 1, is amended to read:

Subdivision 1. [SCHEDULE OF POWERS.] An authority shall be a public body corporate and politic and shall have all the powers necessary or convenient to carry out the purposes of sections 469.001 to 469.047, except that the power to levy and collect taxes or special assessments is limited to the power provided in sections 469.027 to 469.033. Its powers include the following powers in addition to others granted in sections 469.001 to 469.047:

(1) to sue and be sued; to have a seal, which shall be judicially noticed, and to alter it; to have perpetual succession; and to make, amend, and repeal rules consistent with sections 469.001 to 469.047;

(2) to employ an executive director, technical experts, and officers, agents, and employees, permanent and temporary, that it requires, and determine their qualifications, duties, and compensation; for legal services it requires, to call upon the chief law officer of the city or to employ its own counsel and legal staff; so far as practicable, to use the services of local public bodies in its area of operation, provided that those local public bodies, if requested, shall make the services available;

(3) to delegate to one or more of its agents or employees the powers or duties it deems proper;

(4) within its area of operation, to undertake, prepare, carry out, and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or part thereof;

(5) subject to the provisions of section 469.026, to give, sell, transfer, convey, or otherwise dispose of real or personal property or any interest therein and to execute leases, deeds, conveyances, negotiable instruments, purchase agreements, and other contracts or instruments, and take action that is necessary or convenient to carry out the purposes of these sections;

(6) within its area of operation, to acquire real or personal property or any interest therein by gifts, grant, purchase, exchange,

lease, transfer, bequest, devise, or otherwise, and by the exercise of the power of eminent domain, in the manner provided by chapter 117, to acquire real property which it may deem necessary for its purposes, after the adoption by it of a resolution declaring that the acquisition of the real property is necessary to eliminate one or more of the conditions found to exist in the resolution adopted pursuant to section 469.003 or to provide decent, safe, and sanitary housing for persons of low and moderate income, or is necessary to carry out a redevelopment project. Real property needed or convenient for a project may be acquired by the authority for the project by condemnation pursuant to this section. This includes any property devoted to a public use, whether or not held in trust, notwithstanding that the property may have been previously acquired by condemnation or is owned by a public utility corporation, because the public use in conformity with the provisions of sections 469.001 to 469.047 shall be deemed a superior public use. Property devoted to a public use may be so acquired only if the governing body of the municipality has approved its acquisition by the authority. An award of compensation shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed assembly, clearance or reconstruction for the purposes of sections 469.001 to 469.047 of the real property in an area;

(7) within its area of operation, and without the adoption of an urban renewal plan, to acquire, by all means as set forth in clause (6) but without the adoption of a resolution provided for in clause (6), real property, and to demolish, remove, rehabilitate, or reconstruct the buildings and improvements or construct new buildings and improvements thereon, or to so provide through other means as set forth in Laws 1974, chapter 228, or to grade, fill, and construct foundations or otherwise prepare the site for improvements. The authority may dispose of the property pursuant to section 469.029, provided that the provisions of section 469.029 requiring conformance to an urban renewal plan shall not apply. The authority may finance these activities by means of the redevelopment project fund or by means of tax increments or tax increment bonds or by the methods of financing provided for in section 469.033 or by means of contributions from the municipality provided for in section 469.041, clause (9), or by any combination of those means. Real property with buildings or improvements thereon shall only be acquired under this clause when the buildings or improvements are substandard. The exercise of the power of eminent domain under this clause shall be limited to real property which contains, or has contained within the three years immediately preceding the exercise of the power of eminent domain, buildings and improvements which are vacated and substandard. For the purpose of this clause, substandard buildings or improvements mean hazardous buildings as defined in section 463.15, subdivision 3, or buildings or improvements that are dilapidated or obsolescent, faultily designed, lack adequate ventilation, light, or sanitary facilities, or any combination of these or other

factors that are detrimental to the safety or health of the community;

(8) within its area of operation, to determine the level of income constituting low or moderate family income. The authority may establish various income levels for various family sizes. In making its determination, the authority may consider income levels that may be established by the Department of Housing and Urban Development or a similar or successor federal agency for the purpose of federal loan guarantees or subsidies for persons of low or moderate income. The authority may use that determination as a basis for the maximum amount of income for admissions to housing development projects or housing projects owned or operated by it;

(9) to provide in federally assisted projects any relocation payments and assistance necessary to comply with the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and any amendments or supplements thereto;

(10) to make an agreement with the governing body or bodies creating the authority which provides exemption from all real and personal property taxes levied or imposed by the state, city, county, or other political subdivisions, for which the authority shall make payments in lieu of taxes to the state, city, county, or other political subdivisions as provided in section 469.040. The governing body shall agree on behalf of all the applicable governing bodies affected that local cooperation as required by the federal government shall be provided by the local governing body or bodies in whose jurisdiction the project is to be located, at no cost or at no greater cost than the same public services and facilities furnished to other residents;

(11) to cooperate with or act as agent for the federal government, the state or any state public body, or any agency or instrumentality of the foregoing, in carrying out any of the provisions of sections 469.001 to 469.047 or of any other related federal, state, or local legislation; and upon the consent of the governing body of the city to purchase, lease, manage, or otherwise take over any housing project already owned and operated by the federal government;

(12) to make plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority may develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and elimination of slums and blight;

(13) to borrow money or other property and accept contributions,

grants, gifts, services, or other assistance from the federal government, the state government, state public bodies, or from any other public or private sources;

(14) to include in any contract for financial assistance with the federal government any conditions that the federal government may attach to its financial aid of a project, not inconsistent with purposes of sections 469.001 to 469.047, including obligating itself (which obligation shall be specifically enforceable and not constitute a mortgage, notwithstanding any other laws) to convey to the federal government the project to which the contract relates upon the occurrence of a substantial default with respect to the covenants or conditions to which the authority is subject; to provide in the contract that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project until the defaults are cured if the federal government agrees in the contract to reconvey to the authority the project as then constituted when the defaults have been cured;

(15) to issue bonds for any of its corporate purposes and to secure the bonds by mortgages upon property held or to be held by it or by pledge of its revenues, including grants or contributions;

(16) to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control or in the manner and subject to the conditions provided in section 475.66 for the deposit and investment of debt service funds;

(17) within its area of operation, to determine where blight exists or where there is unsafe, unsanitary, or overcrowded housing;

(18) to carry out studies of the housing and redevelopment needs within its area of operation and of the meeting of those needs. This includes study of data on population and family groups and their distribution according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages, desirable patterns for land use and community growth, and other factors affecting the local housing and redevelopment needs and the meeting of those needs; to make the results of those studies and analyses available to the public and to building, housing, and supply industries;

(19) if a local public body does not have a planning agency or the planning agency has not produced a comprehensive or general community development plan, to make or cause to be made a plan to be used as a guide in the more detailed planning of housing and redevelopment areas;

(20) to lease or rent any dwellings, accommodations, lands,

buildings, structures, or facilities included in any project and, subject to the limitations contained in sections 469.001 to 469.047 with respect to the rental of dwellings in housing projects, to establish and revise the rents or charges therefor;

(21) to own, hold, and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein;

(22) to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards;

(23) to procure or agree to the procurement of government insurance or guarantees of the payment of any bonds or parts thereof issued by an authority and to pay premiums on the insurance;

(24) to make expenditures necessary to carry out the purposes of sections 469.001 to 469.047;

(25) to enter into an agreement or agreements with any state public body to provide informational service and relocation assistance to families, individuals, business concerns, and nonprofit organizations displaced or to be displaced by the activities of any state public body;

(26) to compile and maintain a catalog of all vacant, open and undeveloped land, or land which contains substandard buildings and improvements as that term is defined in clause (7), that is owned or controlled by the authority or by the governing body within its area of operation and to compile and maintain a catalog of all authority owned real property that is in excess of the foreseeable needs of the authority, in order to determine and recommend if the real property compiled in either catalog is appropriate for disposal pursuant to the provisions of section 469.029, subdivisions 9 and 10;

(27) to recommend to the city concerning the enforcement of the applicable health, housing, building, fire prevention, and housing maintenance code requirements as they relate to residential dwelling structures that are being rehabilitated by low- or moderate-income persons pursuant to section 469.029, subdivision 9, for the period of time necessary to complete the rehabilitation, as determined by the authority;

(28) to recommend to the city the initiation of municipal powers, against certain real properties, relating to repair, closing, condemnation, or demolition of unsafe, unsanitary, hazardous, and unfit buildings, as provided in section 469.041, clause (5);

(29) to sell, at private or public sale, at the price or prices determined by the authority, any note, mortgage, lease, sublease,

lease purchase, or other instrument or obligation evidencing or securing a loan made for the purpose of economic development, job creation, redevelopment, or community revitalization by a public agency to a business, for-profit or nonprofit organization, or an individual;

(30) within its area of operation, to acquire and sell real property that is benefited by federal housing assistance payments, other rental subsidies, interest reduction payments, or interest reduction contracts for the purpose of preserving the affordability of low- and moderate-income multifamily housing; and

(31) to apply for, enter into contracts with the federal government, administer, and carry out a section 8 program. Authorization by the governing body creating the authority to administer the program at the authority's initial application is sufficient to authorize operation of the program in its area of operation for which it was created without additional local governing body approval. Approval by the governing body or bodies creating the authority constitutes approval of a housing program for purposes of any special or general law requiring local approval of section 8 programs undertaken by city, county, or multicounty authorities; and

(32) to secure a mortgage or loan by obtaining the appointment of receivers or assignments of rents and profits under sections 559.17 and 576.01, except that the limitation relating to the minimum amounts of the original principal balances of mortgages specified in sections 559.17, subdivision 2, clause (2); and 576.01, subdivision 2, does not apply.

Sec. 3. Minnesota Statutes 1990, section 469.015, subdivision 3, is amended to read:

Subd. 3. [PERFORMANCE BONDS.] Performance bonds shall be required from contractors for any works of construction as provided in and subject to all the provisions of sections 574.26 to 574.31 except for contracts entered into by an authority for an expenditure of less than \$15,000 \$25,000.

Sec. 4. Minnesota Statutes 1990, section 469.015, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land not owned by the authority at the time of the contract, or owned by the authority for redevelopment purposes, and provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above or below, a development; and

(ii) financed with the proceeds of tax increment or parking ramp revenue bonds; and

(3) in the case of a housing development project if:

(i) the project is financed with the proceeds of bonds issued under section 469.034;

(ii) the project is located on land that is not owned by the authority at the time the contract is entered into, or is owned by the authority only for development purposes, and provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond in the case of for the following projects:

(1) a contract described in paragraph (a), clause (1);

(2) a construction change order for a housing project in which 30 percent of the construction has been completed;

(3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or

(4) a services or materials contract for a housing project.

For purposes of this paragraph, “services or materials contract” does not include construction contracts.

Sec. 5. Minnesota Statutes 1990, section 469.015, is amended by adding a subdivision to read:

Subd. 5. [SECURITY IN LIEU OF BOND.] The authority may accept a certified check or cashier's check in the same amount as required for a bond in lieu of a performance bond for contracts entered into by an authority for an expenditure of less than \$25,000. The check must be held by the authority for 90 days after the contract has been completed. If no suit is brought within the 90 days, the authority must return the amount of the check to the person making it. If a suit is brought within the 90-day period, the authority must disburse the amount of the check pursuant to the order of the court.

## ARTICLE 7

### LOCAL HOUSING AND ECONOMIC DEVELOPMENT PROGRAMS

Section 1. Minnesota Statutes 1990, section 462C.03, subdivision 10, is amended to read:

Subd. 10. Notwithstanding any provision of this chapter, not more than 20 percent of the aggregate dollar amount of tax-exempt bond proceeds and any other funds appropriated by any city within any calendar year to make or purchase loans providing single family housing or dwelling units for sale within multifamily housing developments described in section 462C.05, subdivision 3, shall be appropriated to provide single family housing for persons or families, including renters of the single family housing, whose gross income exceeds the limit in section 462C.03, subdivision 2. If 20 percent of the total amount of tax-exempt bond funds so appropriated by the city in any calendar year is expended for housing not within the limit, no additional funds may be expended pursuant to any other similar appropriation until the remaining 80 percent is expended for housing within the limit.

Sec. 2. Laws 1974, chapter 285, section 4, as amended by Laws 1989, chapter 328, article 4, section 6, is amended to read:

### Sec. 4. [ISSUANCE OF BONDS.]

To finance the programs authorized in sections 2, 2a, and 3 of this act, the governing body of the city may by resolution authorize, issue, and sell general obligation bonds of the city in accordance with the provisions of Minnesota Statutes, Chapter 475 without submission of the question to the electors of the city, notwithstanding any provision of the city charter or local ordinance. Minnesota Statutes, chapter 475, applies to the issuance of the bonds. The total amount of all bonds outstanding for the programs shall not exceed

\$25,000,000. The amount of all bonds issued shall be included in excluded from the net indebtedness of the city for the purpose of any charter or statutory debt limitation.

Sec. 3. [ECONOMIC DEVELOPMENT ACTIVITY.]

In addition to and supplemental to any other provisions of general or special laws or charter, the city of St. Paul and the housing and redevelopment authority of the city of St. Paul may implement a citywide economic development program, and in connection therewith may:

(1) provide working capital financing for any for-profit or non-profit enterprise, except from the proceeds of bonds or other obligations which may be issued only to provide the capital costs of a project;

(2) acquire an equity interest in a for-profit business entity through investment in a partnership or corporation;

(3) apply funds of the city or housing and redevelopment authority within or without the boundaries of any presently existing or future redevelopment project area, housing development project, housing project, municipal development district, economic development district, development district, mined underground space development, industrial development district, or tax increment district, except that tax increments shall only be applied in accordance with sections 469.174 to 469.179;

(4) exercise any or all of the powers of an economic development authority under sections 469.090 to 469.108, and the powers granted to a city by sections 469.090 to 469.108 or sections 469.048 to 469.068, or other law, provided that (i) only the city shall have the power under section 469.084, subdivision 11, to approve the issuance of revenue bonds by the port authority of the city of St. Paul, and (ii) the housing and redevelopment authority shall not exercise the other powers of the city under sections 469.090 to 469.108 or sections 469.048 to 469.068 until and unless the city, by resolution, delegates the exercise of all or some of those powers to the housing and redevelopment authority; and

(5) apply funds as permitted by clauses (1) to (4) to financing for any public or private parking facility, child care facility, or a project as defined by section 469.153, subdivision 2.

Nothing in this section shall be construed to authorize the city or housing and redevelopment authority to apply or expend funds derived from bonds or other obligations contrary to the terms of any resolution, indenture of trust, revenue agreement, or similar instru-

ment entered into by the city or housing and redevelopment authority in connection with the bonds or obligations.

Sec. 4. [PORT AUTHORITY.]

In addition to and supplemental to any other provisions of general or special laws or charter, the port authority of the city of St. Paul may exercise the powers granted to the city of St. Paul and the housing and redevelopment authority of the city of St. Paul by section 3, clause (3).

Sec. 5. [EFFECTIVE DATE.]

Section 3 is effective the day after compliance by the governing body of the city of St. Paul with Minnesota Statutes, section 645.021, subdivision 3. Section 4 is effective the day after compliance by the board of the St. Paul port authority and the governing body of the city of St. Paul with Minnesota Statutes, section 645.021, subdivision 3.

## ARTICLE 8

### TAXES

Section 1. [115C.081] [LEAD ABATEMENT FEE.]

Subdivision 1. [FEE IMPOSED.] A lead abatement fee is imposed on the use of storage tanks that are subject to the petroleum tank release cleanup fee imposed under section 115C.08, subdivision 3. The fee must be collected at the same time and in the same manner as the petroleum tank release cleanup fee, except the commissioner of revenue must collect the fee as provided in subdivision 2 regardless of the balance in the petroleum tank release cleanup account. The fee is imposed at the rate of \$10 per 1,000 gallons of petroleum products as defined in section 296.15, subdivision 2, rounded to the nearest 1,000 gallons. A distributor who fails to pay the fee imposed under this section is subject to the penalties provided in section 296.15. The commissioner of revenue must deposit the proceeds from the fee in the lead abatement fund.

Subd. 2. [FUND BALANCE.] The commissioner of finance shall notify the commissioner of revenue if the unencumbered balance in the lead abatement fund established in section 2 falls below \$....., and within 60 days after receiving such notice, the commissioner of revenue shall impose the fee established in subdivision 1 on the use of a tank for four calendar months, with payment to be submitted with each monthly distributor tax return.

Sec. 2. [115C.082] [LEAD ABATEMENT FUND.]

Subdivision 1. [FUND ESTABLISHED.] A lead abatement fund is created in the state treasury. The fund consists of all revenue deposited in the fund under section 115C.081, all other money made available to the fund by law, and all interest thereon.

Subd. 2. [USES OF FUND.] Money in the lead abatement fund may be appropriated by law for:

(1) lead abatement programs administered by the Minnesota housing finance agency; and

(2) lead abatement programs administered by the commissioner of health.

Sec. 3. Minnesota Statutes 1990, section 272.02, subdivision 1, is amended to read:

Subdivision 1. All property described in this section to the extent herein limited shall be exempt from taxation:

(1) all public burying grounds;

(2) all public schoolhouses;

(3) all public hospitals;

(4) all academies, colleges, and universities, and all seminaries of learning;

(5) all churches, church property, and houses of worship;

(6) institutions of purely public charity except parcels of property containing structures and the structures described in section 273.13, subdivision 25, paragraph (c), clauses (1), (2), and (3), or paragraph (d);

(7) all public property exclusively used for any public purpose;

(8) except for the taxable personal property enumerated below, all personal property and the property described in section 272.03, subdivision 1, paragraphs (c) and (d), shall be exempt.

The following personal property shall be taxable:

(a) personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, crude oil, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures;

(b) railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80;

(c) personal property defined in section 272.03, subdivision 2, clause (3);

(d) leasehold or other personal property interests which are taxed pursuant to section 272.01, subdivision 2; 273.124, subdivision 7; or 273.19, subdivision 1; or any other law providing the property is taxable as if the lessee or user were the fee owner;

(e) manufactured homes and sectional structures; and

(f) flight property as defined in section 270.071.

(9) Personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, and real property which is used primarily for abatement and control of air, water, or land pollution as part of an agricultural operation or as part of an electric generation system. For purposes of this clause, personal property includes ponderous machinery and equipment used in a business or production activity that at common law is considered real property.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. The equipment or device shall meet standards, rules, or criteria prescribed by the Minnesota pollution control agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota pollution control agency shall upon request of the commissioner furnish information or advice to the commissioner. On determining that property qualifies for exemption, the commissioner shall issue an order exempting the property from taxation. The equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota pollution control agency remains in effect.

(10) Wetlands. For purposes of this subdivision, "wetlands" means (1) land described in section 103G.005, subdivision 18, or (2) land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes, provided it is preserved in its natural condition and drainage of it would be legal, feasible, and economically practical for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. "Wetlands" shall not include woody swamps containing shrubs or trees, wet meadows, meandered water, streams, rivers, and floodplains or river bottoms. Exemption of wetlands from

taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(11) Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Pasture land used for livestock grazing purposes shall not be considered native prairie for the purposes of this clause. Upon receipt of an application for the exemption provided in this clause for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of the decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

(12) Property used in a continuous program to provide emergency shelter for victims of domestic abuse, provided the organization that owns and sponsors the shelter is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1986, notwithstanding the fact that the sponsoring organization receives funding under section 8 of the United States Housing Act of 1937, as amended.

(13) If approved by the governing body of the municipality in which the property is located, property not exceeding one acre which is owned and operated by any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation, and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders; provided the property is used primarily as a clubhouse, meeting facility, or recreational facility by the group or association and the property is not used for residential purposes on either a temporary or permanent basis.

(14) To the extent provided by section 295.44, real and personal property used or to be used primarily for the production of hydroelectric or hydromechanical power on a site owned by the state or a local governmental unit which is developed and operated pursuant to the provisions of section 103G.535.

(15) If approved by the governing body of the municipality in which the property is located, and if construction is commenced after June 30, 1983:

(a) a "direct satellite broadcasting facility" operated by a corporation licensed by the federal communications commission to provide

direct satellite broadcasting services using direct broadcast satellites operating in the 12-ghz. band; and

(b) a "fixed satellite regional or national program service facility" operated by a corporation licensed by the federal communications commission to provide fixed satellite-transmitted regularly scheduled broadcasting services using satellites operating in the 6-ghz. band.

An exemption provided by clause (15) shall apply for a period not to exceed five years. When the facility no longer qualifies for exemption, it shall be placed on the assessment rolls as provided in subdivision 4. Before approving a tax exemption pursuant to this paragraph, the governing body of the municipality shall provide an opportunity to the members of the county board of commissioners of the county in which the facility is proposed to be located and the members of the school board of the school district in which the facility is proposed to be located to meet with the governing body. The governing body shall present to the members of those boards its estimate of the fiscal impact of the proposed property tax exemption. The tax exemption shall not be approved by the governing body until the county board of commissioners has presented its written comment on the proposal to the governing body or 30 days has passed from the date of the transmittal by the governing body to the board of the information on the fiscal impact, whichever occurs first.

(16) Real and personal property owned and operated by a private, nonprofit corporation exempt from federal income taxation pursuant to United States Code, title 26, section 501(c)(3), primarily used in the generation and distribution of hot water for heating buildings and structures.

(17) Notwithstanding section 273.19, state lands that are leased from the department of natural resources under section 92.46.

(18) Electric power distribution lines and their attachments and appurtenances, that are used primarily for supplying electricity to farmers at retail.

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to parents and children who are receiving AFDC or parents of children who are temporarily in foster care. (ii) It has the purpose of reuniting families and enabling parents to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least six months but no longer than three years, except

residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is sponsored by an organization that has received a grant under either section 256.7365 for the biennium ending June 30, 1989, or section 462A.07, subdivision 15, for the biennium ending June 30, 1991, for the purposes of providing the services in items (i) to (iv). (vi) It is sponsored by an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1987. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the provisions of either Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Homeless transitional ownership property. "Homeless transitional ownership property" means under utilized or surplus government property that is leased by a government agency to a nonprofit corporation organized under chapter 317A that qualifies for tax exempt status under United States Code, title 26, section 501(c). The purpose of the lease must be to rehabilitate under utilized or surplus property to provide homeownership or transitional housing for homeless persons. The exemption is granted beginning with the year following the year in which the lease begins for as long as the property is leased. The exemption shall terminate in the year following the year in which the property becomes privately owned.

Sec. 4. Minnesota Statutes 1990, section 273.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as provided in subdivisions 6, 8, and 9, and 11 or section 273.17, subdivision 1, all property shall be valued at its market value. The market value as determined pursuant to this section shall be stated such that any amount under \$100 is rounded up to \$100 and any amount exceeding \$100 shall be rounded to the nearest \$100. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall the assessor adopt as a criterion of value the price for which such property would sell at a forced sale, or in the aggregate with all the property in the town or district; but the assessor shall value each article or description of property by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. The assessor shall take into account the effect on the market value of property of environmental factors in the vicinity of the property. In assessing any tract or lot of real property, the value of the land,

exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the valuation of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, that lot or any single contiguous lot fronting on the same street shall be eligible for revaluation. All property, or the use thereof, which is taxable under section 272.01, subdivision 2, or 273.19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 5. Minnesota Statutes 1990, section 273.11, is amended by adding a subdivision to read:

Subd. 11. [LOW-INCOME HOUSING.] In addition to the normal market value determination, a special market value for properties classified pursuant to section 273.13, subdivision 25, paragraph (c), which have applied for treatment under this subdivision, shall be determined by capitalizing the net operating income derived from actual restricted rents and standardized expenses which are from time to time determined by the housing finance agency for like projects. Net operating incomes must be greater than zero. The special market value shall be used to compute the taxes owing only on that portion of the structure occupied by low-income, elderly, or handicapped persons or low- and moderate-income families as defined in the applicable laws. Management of properties valued under this subdivision must demonstrate annually to the assessor that tax savings realized by use of this method of valuation have inured to the tenants, with not less than 70 percent of such tax savings to be used for reduced rents, improved maintenance, capital improvements, or capital reserves. Capital reserves must be in accordance with agreements approved by the governmental regulatory authority. An amount not to exceed 30 percent must be used for other tenant services including, but not limited to, self-sufficiency services, job counseling, and education programs. After the first year, certification that the funds have been spent as required shall be made by an independent auditor performing the financial audit or review on the property as required by the regulatory authority. If the benefit has not inured to the tenants, the property shall be subject to additional property taxes in the amount of triple the difference between the taxes determined in accordance with this

subdivision and the amount it would pay if it were valued according to subdivision 1 and classified according to section 273.13, subdivision 25, paragraph (a) or (b) as appropriate for those years in which the benefit of the tax savings did not inure to the tenants.

Sec. 6. [273.1106] [DELAYED VALUATION OF REHABILITATION IMPROVEMENTS.]

Subdivision 1. [VALUATION INCREASE DELAYED.] Notwithstanding other provisions of law dealing with tax capacity valuation of real property, the tax capacity valuation of a single- or multiple-unit residential building based on the improvements made during rehabilitation of the building may not be increased during the rehabilitation year or any of the five years following the rehabilitation if the building meets the criteria set forth in subdivision 2. After the fifth year following rehabilitation, the building will be valued like other buildings in the same property class in that taxing district.

Subd. 2. [ELIGIBILITY.] To qualify for valuation under subdivision 1, the owner of a building must apply to the assessor before starting a rehabilitation project.

(a) For a residential building located in targeted neighborhoods, the assessor shall approve treatment under subdivision 1 if:

- (1) the building is a classified 1a, class 1b, class 4a, or class 4b;
- (2) the building is not used as a hotel or motel in which the rental units are used by tenants for rental periods of less than 30 days;
- (3) not more than 25 percent of the residential units in the building are subsidized through section 8 of the United States Housing Act of 1937, United States Code, title 42, section 1437(f);
- (4) the rehabilitation is completed within one year and before the January 2 assessment date; and
- (5) the rehabilitation is limited to the original structure.

(b) For a residential building located outside targeted neighborhoods, the assessor shall approve treatment under subdivision 1 if the building meets the provisions of paragraph (a) and is one of the following:

- (1) a single-unit owner occupied building where the owner is eligible, at the time of application, for property tax relief under chapter 290A; or

(2) a multi-unit residential building where at least 50 percent of the owners are eligible as homeowners, at the time of application, for property tax relief under chapter 290A; or

(3) a multi-unit residential rental building where the median rents charged, at the time of application, are no more than 110 percent of the median rental rates for the county where the building is located.

As used in this subdivision, the term "targeted neighborhoods" has the meaning given it in section 469.202, subdivision 1.

Subd. 3. [OTHER INCREASES IN VALUATION.] Any increase in value of a building approved for treatment under subdivision 1 that results from a general rise in value of similar buildings of the same class throughout the taxing district or from improvements made to the building that were not part of the rehabilitation program submitted to the assessor for approval must be added to the assessed valuation of the building.

Subd. 4. [RECORDS.] An assessor who grants the delayed assessment treatment provided in this section shall maintain records of the location and number of the buildings that qualify and the amount of value added by the rehabilitation.

Sec. 7. Minnesota Statutes 1990, section 273.124, subdivision 1, is amended to read:

**Subdivision 1. [GENERAL RULE.] Residential real estate that is occupied and used for the purposes of a homestead by its owner, who must be a Minnesota resident, is a residential homestead.**

**Agricultural land, as defined in section 273.13, subdivision 23, that is occupied and used as a homestead by its owner, who must be a Minnesota resident, is an agricultural homestead.**

**Dates for establishment of a homestead and homestead treatment provided to particular types of property are as provided in this section.**

**The assessor shall require proof, by affidavit or otherwise, of the facts upon which classification as a homestead may be determined.**

**For purposes of this section, homestead property shall include property which is used for purposes of the homestead but is separated from the homestead by a road, street, lot, waterway, or other similar intervening property. The term "used for purposes of the homestead" shall include but not be limited to uses for gardens, garages, or other outbuildings commonly associated with a homestead, but shall not include vacant land held primarily for future**

development. In order to receive homestead treatment for the noncontiguous property, the owner shall apply for it to the assessor by July 1 of the year when the treatment is initially sought. After initial qualification for the homestead treatment, additional applications for subsequent years are not required.

In the case of property owned by a married couple in joint tenancy or tenancy in common, the assessor must not deny homestead treatment in whole or in part if only one of the spouses is occupying the property and the other spouse is absent due to divorce or separation, or is a resident of a nursing home or a boarding care facility.

If property is owned in joint tenancy or tenancy in common by parents and children who occupy the property for purposes of a homestead, the assessor must not deny homestead treatment in whole or in part because a parent or a child ceases to occupy the property. For purposes of this paragraph, "parents" and "children" include relationships by marriage.

If an individual is purchasing property with the intent of claiming it as a homestead, and is required by the terms of the financing agreement to have ~~one or both parents~~ a relative shown on the deed as ~~coowners~~ a coowner, the assessor shall allow a full homestead classification and extend full homestead credit. This provision only applies to first time purchasers, whether married or single, or to a person who had previously been married and is purchasing as a single individual for the first time. For purposes of this paragraph, "relative" means a parent, stepparent, child, stepchild, grandparent, sibling, uncle, or aunt. The relationship may be by blood or marriage. The application for homestead benefits must be on a form prescribed by the commissioner and must contain the data necessary for the assessor to determine if full homestead benefits are warranted.

Sec. 8. Minnesota Statutes 1990, section 273.13, subdivision 25, is amended to read:

Subd. 25. [CLASS 4.] (a) Class 4a is residential real estate containing four or more units and used or held for use by the owner or by the tenants or lessees of the owner as a residence for rental periods of 30 days or more. Class 4a also includes hospitals licensed under sections 144.50 to 144.56, other than hospitals exempt under section 272.02, and contiguous property used for hospital purposes, without regard to whether the property has been platted or subdivided. Class 4a property has a class rate of 3.6 percent of market value.

(b) Class 4b includes:

(1) residential real estate containing less than four units, other than seasonal residential, and recreational;

(2) manufactured homes not classified under any other provision;

(3) a dwelling, garage, and surrounding one acre of property on a nonhomestead farm classified under subdivision 23, paragraph (b).

Class 4b property has a class rate of 3.0 percent of market value.

(c) Class 4c property includes:

(1) a structure that is situated on real property that is used for housing for the elderly or for low and moderate income families as defined by Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant thereto and financed by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency pursuant to the provisions of either of those acts and acts amendatory thereof. This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or for the original term of the loan;

(i) situated on real property that is used for housing for the elderly or for low- and moderate-income families as defined in Title II, as amended through December 31, 1990, of the National Housing Act and financed by a direct federal loan or federally insured loan made pursuant to Title II of the act; or

(ii) situated on real property that is used for housing the elderly or for low- and moderate-income families as defined by the Minnesota housing finance agency law of 1971, as amended, or rules promulgated by the agency pursuant thereto and financed by a loan made by the Minnesota housing finance agency pursuant to the provisions of the act.

This clause applies only to property of a nonprofit or limited dividend entity. Property is classified as class 4c under this clause for 15 years from the date of the completion of the original construction or substantial rehabilitation, or from the original term of the loan.

(2) a structure that is:

(i) situated upon real property that is used for housing lower income families or elderly or handicapped persons, as defined in section 8 of the United States Housing Act of 1937, as amended; and

(ii) owned by an entity which has entered into a housing assistance payments contract under section 8 which provides assistance for 100 percent of the dwelling units in the structure, other than dwelling units intended for management or maintenance personnel. Property is classified as class 4c under this clause for the term of the housing assistance payments contract, including all renewals, or for the term of its permanent financing, whichever is shorter; and

(3) a qualified low-income building that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1988; or (ii) meets the requirements of that section and receives public financing, except financing provided under sections 469.174 to 469.179, which contains terms restricting the rents. Classification pursuant to this clause is limited to a term of 15 years, or the original term of the financing.

For all properties described in clauses (1), (2), and (3) and in paragraph (d), the market value determined by the assessor must be based on the normal approach to value using normal unrestricted rents. Properties described in clauses (1)(ii), (3), and (4) may apply annually to the assessor for valuation under section 273.11, subdivision 1. The land on which these structures are situated has the class rate given in paragraph (b) if the structure contains fewer than four units, and the class rate given in paragraph (a) if the structure contains four or more units. This clause applies only to the property of a nonprofit or limited dividend entity.

(4) a parcel of land, not to exceed one acre, and its improvements or a parcel of unimproved land, not to exceed one acre, if it is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units, if any, on all land owned by the trust are leased to or occupied by lower income families or individuals. This clause does not apply to any portion of the land or improvements used for nonresidential purposes. For purposes of this clause, a lower income family is a family with an income that does not exceed 65 percent of the median family income for the area, and a lower income individual is an individual whose income does not exceed 65 percent of the median individual income for the area, as determined by the United States Secretary of Housing and Urban Development. For purposes of this clause, "neighborhood real estate trust" means an entity which is certified by the governing body of the municipality in which it is located to have the following characteristics: (a) it is a nonprofit corporation organized under chapter 317A; (b) it has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws; (c) it limits membership with voting rights to residents of the designated community; and (d) it has a board of directors consisting of at least seven directors, 60 percent of whom are members with voting rights and, to the extent feasible, 25 percent of whom are elected by resident members of buildings owned by the trust; and

(5) except as provided in subdivision 22, paragraph (c), real property devoted to temporary and seasonal residential occupancy for recreation purposes, including real property devoted to temporary and seasonal residential occupancy for recreation purposes and not devoted to commercial purposes for more than 225 days in the year preceding the year of assessment. For purposes of this clause, property is devoted to a commercial purpose on a specific day if any portion of the property is used, or available for use for residential occupancy, and a fee is charged for residential occupancy. Class 4c also includes commercial use real property used exclusively for recreational purposes in conjunction with class 4c property devoted to temporary and seasonal residential occupancy for recreational purposes, up to a total of two acres, provided the property is not devoted to commercial recreational use for more than 225 days in the year preceding the year of assessment and is located within two miles of the class 4c property with which it is used. Class 4c property classified in this clause also includes the remainder of class 1c resorts;

(6) real property up to a maximum of one acre of land owned by a nonprofit community service oriented organization; provided that the property is not used for a revenue-producing activity for more than six days in the calendar year preceding the year of assessment and the property is not used for residential purposes on either a temporary or permanent basis. For purposes of this clause, a "nonprofit community service oriented organization" means any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, fraternal, civic, or educational purposes, and which is exempt from federal income taxation pursuant to section 501(c)(3), (10), or (19) of the Internal Revenue Code of 1986, as amended through December 31, 1988. For purposes of this clause, "revenue-producing activities" shall include but not be limited to property or that portion of the property that is used as an on-sale intoxicating liquor or nonintoxicating malt liquor establishment licensed under chapter 340A, a restaurant open to the public, bowling alley, a retail store, gambling conducted by organizations licensed under chapter 349, an insurance business, or office or other space leased or rented to a lessee who conducts a for-profit enterprise on the premises. Any portion of the property which is used for revenue-producing activities for more than six days in the calendar year preceding the year of assessment shall be assessed as class 3a. The use of the property for social events open exclusively to members and their guests for periods of less than 24 hours, when an admission is not charged nor any revenues are received by the organization shall not be considered a revenue-producing activity;

(7) post-secondary student housing of not more than one acre of land that is owned by a nonprofit corporation organized under chapter 317A and is used exclusively by a student cooperative, sorority, or fraternity for on-campus housing or housing located within two miles of the border of a college campus; and

(8) manufactured home parks as defined in section 327.14, subdivision 3.

Class 4c property has a class rate of 2.3 percent of market value, except that manufactured home park property under clause (8) has a class rate of 3 percent of market value for taxes payable in 1991 and 2.3 percent of market value for taxes payable in 1992, and thereafter.

(d) Class 4d property includes any structure:

(i) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the Farmers Home Administration;

(ii) located in a municipality of less than 10,000 population; and

(iii) financed by a direct loan or insured loan from the Farmers Home Administration. Property is classified under this clause for 15 years from the date of the completion of the original construction or for the original term of the loan.

The class rates in paragraph (c), clauses (1), (2), and (3) and this clause apply to the properties described in them, only in proportion to occupancy of the structure by elderly or handicapped persons or low and moderate income families as defined in the applicable laws unless construction of the structure had been commenced prior to January 1, 1984; or the project had been approved by the governing body of the municipality in which it is located prior to June 30, 1983; or financing of the project had been approved by a federal or state agency prior to June 30, 1983. Classification under this clause is only available to property of a nonprofit or limited dividend entity.

Class 4d property has a class rate of 1.7 percent of market value for taxes payable in 1990, and two percent of market value for taxes payable thereafter.

(e) Residential rental property that would otherwise be assessed as class 4 property under paragraph (a); paragraph (b), clauses (1) and (2); paragraph (c), clause (1), (2), (3), or (4), is assessed at the class rate applicable to it under Minnesota Statutes 1988, section 273.13, if it is found to be a substandard building under section 273.1316. Residential rental property that would otherwise be assessed as class 4 property under paragraph (d) is assessed at 2.3 percent of market value if it is found to be a substandard building under section 273.1316.

Sec. 9. Minnesota Statutes 1990, section 273.1399, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given.

(a) "Qualifying captured tax capacity" means the following amounts:

(1) the captured tax capacity of an economic development or soils condition tax increment financing district for which certification was requested after April 30, 1990; and

(2) the captured tax capacity of a tax increment financing district, other than a housing district or an economic development or soils condition district, for which certification was requested after April 30, 1990, multiplied by the following percentage based on the number of years that have elapsed since the district was first certified (measured from January 2 immediately preceding certification of the original tax capacity). In no case may the final amounts be less than zero or greater than the total captured tax capacity of the district.

Number of years	Renewal and Renovation Districts	All other Districts
0 to 5	0	0
6	12.5	6.25
7	25	12.5
8	37.5	18.75
9	50	25
10	62.5	31.25
11	75	37.5
12	87.5	43.75
13	100	50
14	100	56.25
15	100	62.5
16	100	68.75
17	100	75
18	100	81.25
19	100	87.5
20	100	93.75
21 or more	100	100

In the case of a hazardous substance subdistrict, the number of years must be measured from the date of certification of the subdistrict for purposes of the additional captured tax capacity resulting from the reduction in the subdistrict's or site's original tax capacity.

(b) The terms defined in section 469.174 have the meanings given in that section.

## Sec. 10. [297E.01] [WHOLESALE PAINT TAX.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(a) "Paint" means a fluid, semifluid, or other material, with a suspension finely divided coloring matter, which changes to a solid film when a layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. "Paint" does not include (1) transparent coverings, (2) printing inks or those materials that become a part of the substrate, such as the pigment in a plastic article, or (3) those materials that are bonded to the substrate, such as by electroplating or ceramic glazing.

(b) "Wholesaler" means any person who sells or otherwise furnishes for resale purposes, from a stock maintained inside or outside the state, paint to one or more retailers within the state. "Wholesaler" includes a manufacturer of paint who sells paint directly to retailers.

(c) "Retailer" means a person who sells paint at retail to ultimate users. "Retailer" includes a person who buys paint for redistribution to one or more retail establishments the person owns or with which the person maintains a franchise agreement.

(d) "Commissioner" means the commissioner of revenue.

Subd. 2. [TAX IMPOSED.] There is imposed a tax on the sale of each container of paint by a wholesaler to a retailer in the state. The rate of tax is five cents per gallon or metric equivalent. The liability for the tax is incurred when the paint is delivered by the wholesaler to the retailer, to a common or contract carrier for delivery to the retailer, or when received by the customer's authorized representative at the wholesaler's place of business, regardless of the wholesaler's method of accounting or of the terms of the sale.

Subd. 3. [RETURNS.] The tax imposed by this section is due and payable on or before the 20th day of the month following the month in which the liability for the tax is incurred. Each wholesaler shall file a return monthly with the commissioner stating the total volume of paint the wholesaler has sold that is subject to the tax during the previous month. The commissioner may authorize returns to be filed via magnetic media or electronic data transfer.

Subd. 4. [TAX PERMIT.] Every wholesaler must file with the commissioner of revenue an application, on a form the commissioner prescribes, for a paint tax identification number and paint tax permit. A permit is not assignable and is valid only for the wholesaler in whose name it is issued.

Subd. 5. [RECORDS.] A wholesaler must keep at each licensed

place of business complete and accurate records for that place of business, including itemized invoices of all paint held, purchased, manufactured, or brought in or caused to be brought in from outside the state, and all sales of paint. Books, records, and other papers and documents must be kept for a period of at least three years after the date of the documents, or the date of entries appearing in the records, unless the commissioner authorizes in writing their destruction or disposal at an earlier date. At any time during usual business hours, the commissioner or the commissioner's authorized agents may enter a wholesaler's place of business and inspect the premises and the records required to be kept under this section, to determine whether the provisions of this chapter are being fully complied with. If the commissioner or any of the commissioner's agents are denied free access to, or are hindered or interfered with in making an inspection of, a wholesaler's place of business, the commissioner may revoke the wholesaler's permit.

Subd. 6. [SUSPENSION, REVOCATION.] The commissioner, after giving notice, may for reasonable cause revoke or suspend a permit issued to a wholesaler under this section. The notice must be sent to the distributor at least 15 days before the effective date of the proposed suspension or revocation. The notice must give the reason for the proposed action and must direct the wholesaler to show cause why the proposed action should not be taken. The notice may be served personally or by mail. A suspension or revocation is a contested case under sections 14.57 to 14.69.

Subd. 7. [REFUND.] The commissioner shall allow a refund of tax paid under this section of (1) tax paid on a container, or case of containers, of paint that is returned to a wholesaler by a retailer, and the container or case is subsequently returned by the wholesaler to the manufacturer, and (2) tax paid in excess of the amount owed. The amounts necessary to make the refunds are appropriated to the commissioner from the lead abatement fund.

Subd. 8. [COLLECTION; CIVIL PENALTIES.] The provisions of chapter 297A relating to the commissioner's authority to audit, assess, and collect the tax imposed by that chapter apply to the tax, penalty, and interest imposed by this section. The commissioner shall impose civil penalties for violation of this section as provided in section 289A.60, and the additional tax and penalties are subject to interest at the rate provided in section 270.75.

Subd. 9. [RULES.] The commissioner may adopt rules, including emergency rules, for the administration and enforcement of this chapter.

Subd. 10. [PERSONAL DEBT.] The tax imposed by this section, including penalties and interest thereon, is a personal debt of the person required to file a return from the time the liability for the tax arises, without regard to when the time for payment of the liability

occurs. The debt is, in the case of the executor or administrator of the estate or a decedent and in the case of a fiduciary, that of the person in the person's official or fiduciary capacity only unless the person has voluntarily distributed the assets held in that capacity without reserving sufficient assets to pay the tax, interest, and penalties, in which event the person is personally liable for any deficiency.

Subd. 11. [DEPOSIT OF FUNDS.] All revenues received under this chapter must be paid to the state treasurer for deposit in the lead abatement fund.

Sec. 11. [297E.02] [TAX STAMP.]

Subdivision 1. [STAMPS AFFIXED.] Payment of the tax imposed in section 10 must be evidenced by stamps affixed to each container of paint subject to the tax. Before delivering any container of taxable paint to a retailer, a wholesaler must affix to the container a stamp evidencing tax paid. The commissioner may require, in the case of paint shipped into the state from outside the state, that the stamp be affixed to the container at the time the container enters the state. The commissioner may by rule provide for the furnishing of stamps and for the time and manner of affixing them.

Subd. 2. [DESIGN, PRINTING.] The commissioner shall adopt the design of the stamps and shall arrange for the printing of the stamps in such amounts and denominations as the commissioner deems necessary. The commissioner shall make the stamps available to all persons liable for the tax imposed under section 10, and may impose a charge therefor.

Subd. 3. [RESALE PROHIBITED.] No wholesaler may sell or transfer any stamps obtained from the commissioner. A wholesaler who has stamps on hand at the time of discontinuing business may return the stamps to the commissioner and receive a refund of the amount paid for the stamps. The commissioner may by rule provide for the replacement of stamps that have become unusable.

Sec. 12. [297E.03] [VIOLATIONS.] It is a gross misdemeanor for any person to:

(1) possess, with intent to evade the tax, paint on which the tax imposed by section 10 has not been paid;

(2) make a false statement on any return or other document filed with the commissioner under this chapter;

(3) fail to keep, or to falsify, a record required to be kept under this chapter; or

(4) counterfeit, forge, or alter a stamp designed under section 11, or have in possession such a counterfeited, forged, or altered stamp.

Sec. 13. [297E.04] [FUND CREATED.]

Subdivision 1. [FUND ESTABLISHED.] A lead abatement fund is created in the state treasury. The fund consists of all revenue deposited in the fund under section 115C.081, all other money made available to the fund by law, and all interest thereon.

Subd. 2. [USES OF FUND.] Money in the lead abatement fund may be appropriated by law for:

(1) lead abatement programs administered by the Minnesota housing finance agency; and

(2) lead abatement programs administered by the commissioner of health.

Sec. 14. Minnesota Statutes 1990, section 469.176, subdivision 4f, is amended to read:

Subd. 4f. [INTEREST REDUCTION.] Revenues derived from tax increment may be used to finance the costs of an interest reduction program operated pursuant to section 469.012, subdivisions 7 to 10, or pursuant to other law granting interest reduction authority and power by reference to those subdivisions only under the following conditions: (1) tax increments may not be collected for a program for a period in excess of 12 15 years after the date of the first interest rate reduction payment for the program, and (2) tax increments may not be used for an interest reduction program, if the proceeds of bonds issued pursuant to section 469.178 after December 31, 1985, have been or will be used to provide financial assistance to the specific project which would receive the benefit of the interest reduction program; and (3) tax increments may not be used to finance an interest reduction program for owner-occupied single-family dwellings.

Sec. 15. [EFFECTIVE DATE.]

Section 6 is effective for taxes assessed in 1992 and thereafter. Sections 7 and 8 are effective for property taxes payable in 1992 and thereafter. Section 9 is effective for school year 1991-1992 and for homestead and agricultural credit aid and local government aids for taxes payable in 1991. Section 9 is effective for districts certified after April 30, 1990. Section 14 is effective the day following final enactment.

**ARTICLE 9**  
**TECHNICAL CORRECTIONS**

Section 1. Minnesota Statutes 1990, section 268.39, is amended to read:

**268.39 [LIFE SKILLS AND EMPLOYMENT GRANTS.]**

The commissioner may provide grants to organizations for the development and administration of life skills and employment plans for homeless individuals that reside in residential units constructed or rehabilitated under section 462A.05, subdivision 29 20. Grants awarded under this section may also be used for the management of these residential units. The organizations that receive grants under this section must coordinate their efforts with organizations that receive grants under section 462A.05, subdivision 29 20.

A life skills and employment plan must be developed for each tenant residing in a dwelling that receives funding under section 462A.05, subdivision 29 20. The plan may include preapprentice and apprenticeship training in the area of housing rehabilitation. If preapprentice and apprenticeship training is part of a plan, the organization must consult with labor organizations experienced in working with apprenticeship programs. The completion or compliance with the individual life skills and employment plan must be required for a tenant to remain in a unit constructed or rehabilitated under section 462A.05, subdivision 29 20.

The application for a grant under this section must include a plan that must provide for:

(1) training for tenants in areas such as cleaning and maintenance, payment of rent, and roommate skills, and

(2) tenant selection and rental policies that ensure rental of units to people who are homeless if applicable.

The applicant must provide a proposed occupancy contract if applicable, the name and address of the rental agent if applicable, and other information the commissioner considers necessary with the application.

The commissioner may adopt permanent rules to administer this grant program.

Sec. 2. Minnesota Statutes 1990, section 462A.03, subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit or cooperative

housing corporation, the department of human services for the purpose of developing community-based programs as defined in sections 252.50 and 253.28, limited profit entity or a builder as defined by the agency in its rules, which sponsors or constructs residential housing as defined in subdivision 7, or a natural person of low or moderate income, except that the return to a limited dividend entity shall not exceed ten percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules; provided that residual receipts funds of a limited dividend entity may be used for agency-approved, housing-related investments owned by the limited dividend entity without regard to the limitation on returns. Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan.

Sec. 3. Minnesota Statutes 1990, section 462A.03, subdivision 16, is amended to read:

Subd. 16. "Mentally ill person" shall have the meaning prescribed by section 253B.02, subdivision 18 means a person with a mental illness, an adult with an acute mental illness, or a person with a serious and persistent mental illness, as prescribed by section 245.462, subdivision 20.

Sec. 4. Minnesota Statutes 1990, section 462A.05, subdivision 20, is amended to read:

Subd. 20. [SPECIAL NEEDS HOUSING FOR HOMELESS PERSONS.] (a) The agency may make loans or grants to for profit, limited dividend, or nonprofit sponsors, as defined by the agency, eligible mortgagors for the acquisition, rehabilitation, and construction of residential housing to be used to provide for the following purposes:

(1) temporary or transitional housing to low- and moderate-income for low-income persons and families having an immediate need for temporary or transitional housing as a result of natural disaster, resettlement, condemnation, displacement, lack of habitable housing, or other cause as defined by the agency. Loans or grants for residential housing for migrant farmworkers may be made under this paragraph. Residential housing for migrant farmworkers must contain cooking, sleeping, bathroom facilities and hot and cold running water in the same structure;

(2) housing to be used by low-income persons living alone; and

(3) housing for homeless individuals and families.

(b) Housing under this subdivision must be for low-income families and individuals.

(c) Loans or grants pursuant to under this subdivision shall must not be used for residential care facilities or, for facilities that provide housing available for occupancy on less than a 24-hour continuous basis, or for any residential housing that requires occupants to accept board as well as lodging. To the extent possible, a sponsor shall combine the loan or grant with other funds obtained from public and private sources. In making loans or grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and the appropriate security should repayment be required.

(d) Loans or grants under this subdivision must not exceed 50 percent of the development costs. Donated property may be used to satisfy the match requirement.

(e) All occupants of permanent housing financed under this subdivision must be offered a written lease that complies with section 325G.31, offers the occupants the option to renew, and prohibits eviction of an occupant without good cause.

(f) Priority must be given to viable proposals with the total lowest cost per person served.

(g) The selection criteria for the program must include the following: the extent to which proposals use donated, leased, abandoned, or empty dwellings owned by a public entity or property being sold by the Resolution Trust Corporation or the Department of Housing and Urban Development; and the extent to which applicants consulted with advocates for the homeless, representatives from neighborhood groups, and representatives from labor organizations in preparing the proposal.

Sec. 5. Minnesota Statutes 1990, section 462A.08, subdivision 2, is amended to read:

Subd. 2. The agency from time to time may issue bonds or notes for the purpose of refunding any bonds or notes of the agency then outstanding, or, with the consent of the original issuer, any bonds or notes then outstanding issued by an issuer other than the agency for the purpose of making or purchasing loans for single family housing or multifamily housing developments, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the redemption date next succeeding the date of delivery of such refunding bonds or notes. The proceeds of any such refunding bonds or notes may, in the discretion of the agency, be applied to the

purchase or payment at maturity of the bonds or notes to be refunded, or to the redemption of such outstanding bonds or notes on the redemption date next succeeding the date of delivery of such refunding bonds or notes and may, pending such application, be placed in escrow to be applied to such purchase, retirement, or redemption. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations issued or guaranteed by the state or the United States or by any agency or instrumentality thereof, or in certificates of deposit or time deposits secured in such manner as the agency shall determine, maturing at such time or times as shall be appropriate to assure the prompt payment of the principal of and interest and redemption premiums, if any, on the bonds or notes to be refunded. The income earned or realized on any such investment may also be applied to the payment of the bonds or notes to be refunded. After the terms of the escrow have been fully satisfied, any balance of such proceeds and investment income may be returned to the agency for use by it in any lawful manner. All refunding bonds or notes issued under the provisions of this subdivision shall be issued and secured in the manner provided by resolution of the agency. If bonds or notes are issued by the agency to refund bonds or notes issued by an issuer other than the agency, as authorized by this subdivision, the agency and said issuer may enter into such agreements as they may deem appropriate to facilitate such transaction.

Sec. 6. Minnesota Statutes 1990, section 462A.21, subdivision 4k, is amended to read:

Subd. 4k. [HOUSING DEVELOPMENT FUND.] The agency may make grants for residential housing for low-income persons under section 462A.05, subdivision 28 20, and may pay the costs and expenses for the development and operation of the program.

Sec. 7. Minnesota Statutes 1990, section 462A.21, subdivision 12a, is amended to read:

Subd. 12a. [PROGRAM MONEY TRANSFER.] Grants authorized under section 462A.05, subdivisions 20, 28, and 29 subdivision 20, may be made only with specific appropriations by the legislature, but unencumbered balances of money appropriated for the purpose of loans or grants for agency programs under these subdivisions may be transferred between programs created by these subdivisions or in accordance with section 462A.20, subdivision 3.

Sec. 8. Minnesota Statutes 1990, section 462A.21, subdivision 14, is amended to read:

Subd. 14. It may make housing grants for homeless individuals as provided in section 462A.05, subdivision 29 20, and may pay the costs and expenses for the development and operation of the program.

Sec. 9. Minnesota Statutes 1990, section 462A.22, subdivision 9, is amended to read:

Subd. 9. [BIENNIAL REPORT.] The agency shall also submit a biennial report of its activities, projected activities, and receipts, and expenditures a plan for the next biennium, to the governor and the legislature on or before January February 15 in each odd-numbered year. The report shall include the distribution of money under each agency program by county, except for counties containing a city of the first class, where the distribution shall be reported by municipality.

In addition, the report shall include the cost to the agency of the issuance of its bonds for each issue in the biennium, along with comparable information for other state housing finance agencies.

Sec. 10. Minnesota Statutes 1990, section 474A.048, subdivision 2, is amended to read:

Subd. 2. [LIMITATION; ORIGINATION PERIOD.] During the first ten months of an origination period, the Minnesota housing finance agency or a city may make loans financed with proceeds of mortgage bonds for the purchase of existing housing. Loans financed with the proceeds of mortgage bonds for new housing in the metropolitan area may be made during the first ten months of an origination period only if at least one of the following conditions is met:

(1) the new housing is located in a redevelopment area and is replacing a structurally substandard structure or structures;

(2) the new housing is located on a parcel purchased by the city or conveyed to the city under section 282.01, subdivision 1; or

(3) the new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of bonds, in which federal, state, or local assistance is used to substantially improve the terms of the financing or to substantially write down the purchase price of the new housing; or

(4) the new housing is accessible housing and the borrower or a member of the borrower's family is a person with a disability. For the purposes of this clause, "accessible housing" means a dwelling unit with the modifications necessary to enable a person with a disability to function in a residential setting. "A person with a disability" means a person who has a permanent physical condition which is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition which does not require the use of a device to increase mobility must be deemed a person with a disability upon

written certification of a licensed physician that the physical condition substantially limits the person's ability to function in a residential setting.

Upon expiration of the first ten-month period, the agency or a city may make loans financed with the proceeds of mortgage bonds for the purchase of new and existing housing.

Sec. 11. Laws 1987, chapter 404, section 28, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation	\$9,526,700	\$9,526,700
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Approved complement - 129

Spending limit on cost of general administration of agency programs:

1988	1989
\$ 6,235,000	\$ 6,547,000

This appropriation is for transfer to the housing development fund for the programs specified.

\$150,00 the first year and \$150,000 the second year are for home sharing programs under Minnesota Statutes, section 462A.05, subdivision 24.

\$990,000 the first year and \$990,000 the second year are for home ownership assistance under Minnesota Statutes, section 462A.21, subdivision 8.

\$2,225,000 the first year and \$2,225,000 the second year are for home ownership, home improvement, and multifamily bond leveraging interest rate write-downs under Minnesota Statutes, sections 462A.21, subdivision 4b and 8a.

\$1,885,000 the first year and \$1,885,000 the second year are for tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14, of which \$125,000 the

first year and \$125,000 the second year are for either a demonstration program to make off-reservation loans in combination with bond proceeds from the agency or other mortgage financing approved by the agency, or a home improvement loan program approved by the agency. Home improvement loans may be made without regard to household income.

\$235,000 the first year and \$235,000 the second year are for urban Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 15, to be distributed by the agency without regard to any allocation formula.

\$3,716,700 the first year and \$3,716,700 the second year are for housing rehabilitation and accessibility loans under Minnesota Statutes, sections 462A.05, subdivisions 14a and 15a.

\$500,000 is appropriated to the housing development fund created in section 462A.20 for grants for residential housing for low income persons living alone. The agency may pay the costs and expenses for the development and operation of this program out of this appropriation.

\$75,000 the first year and \$75,000 the second year are for temporary housing programs under Minnesota Statutes, section 462A.05, subdivision 20.

Sec. 12. Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended by Laws 1990, chapter 429, section 9, is amended to read:

Subdivision 1. Total Appropriation	12,583,000	12,584,000
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Spending limit on cost of general administration of agency programs:

1990	1991
\$7,130,000	\$7,560,000

This appropriation is for transfer to the housing development fund for the programs specified.

\$225,000 the first year and \$225,000 the second year are for housing programs for the elderly under Minnesota Statutes, section 462A.05, subdivision 24.

\$2,115,000 the first year and \$2,115,000 the second year are for home ownership assistance under Minnesota Statutes, section 462A.21, subdivision 8.

\$1,887,000 the first year and \$1,887,000 the second year are for tribal Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 14, of which \$125,000 the first year and \$125,000 the second year are for either a demonstration program to make off-reservation loans in combination with bond proceeds from the agency or other mortgage financing approved by the agency, or a home improvement loan program approved by the agency. Home improvement loans may be made without regard to household income.

\$233,000 the first year and \$233,000 the second year are for urban Indian housing programs under Minnesota Statutes, section 462A.07, subdivision 15, to be distributed by the agency without regard to any allocation formula.

\$4,842,000 the first year and \$4,842,000 the second year are for housing rehabilitation and accessibility loans under Minnesota Statutes,

section 462A.05, subdivisions 14a and 15a.

\$569,000 the first year and \$569,000 the second year are for temporary housing programs under Minnesota Statutes, sections 462A.05, subdivision 20; and 462A.21.

Notwithstanding any law to the contrary, in the event that the housing finance agency assumes servicing responsibility for its home improvement loans, energy loans, and rehabilitation loans, the agency may apply for an increase in its complement and administrative cost ceiling through the regular legislative advisory commission process.

**Sec. 13. [REPEALER.]**

Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29, are repealed.

**Sec. 14. [EFFECTIVE DATE.]**

Section 4 is effective the day following final enactment.”

Delete the title and insert:

“A bill for an act relating to housing; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; assigning tort liability to landlords for certain damages; adding manufactured homes to certain landlord-tenant provisions; modifying provisions relating to tenant remedy actions, retaliatory eviction proceedings, and receivership proceedings; charging court fees in unlawful detainer actions; creating a lead abatement program; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; providing for an emergency mortgage and rental assistance pilot project; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; providing for the issuance of general obligation bonds for housing by the cities of Minneapolis and St. Paul; authorizing the city of Minneapolis to make small business loans; imposing a lead abatement fee on petroleum storage tanks; imposing a tax on wholesalers of paint and dedicating the revenue to lead abatement programs; modifying the property tax classification of certain residential real

estate; excluding housing districts from the calculation of local government aid reductions; modifying the interest rate reduction program; changing the definition of mentally ill person; consolidating special needs housing programs; clarifying and amending biennial reporting requirement; authorizing new construction of accessible housing; authorizing off-reservation home improvement program; appropriating money; amending Minnesota Statutes 1990, sections 116C.04, by adding a subdivision; 268.362; 268.364, subdivision 4; 268.365, subdivision 2; 268.39; 272.02, subdivision 1; 273.11, subdivision 1, and by adding a subdivision; 273.124, subdivision 1; 273.13, subdivision 25; 273.1399, subdivision 1; 357.021, subdivision 2; 462A.03, subdivisions 10, 13, and 16; 462A.05, subdivisions 14, 20, and by adding subdivisions; 462A.08, subdivision 2; 462A.21, subdivisions 4k, 12a, 14, and by adding a subdivision; 462A.22, subdivision 9; 462A.222, subdivision 3; 462C.03, subdivision 10; 469.011, subdivision 4; 469.012, subdivision 1; 469.015, subdivisions 3, 4, and by adding a subdivision; 469.176, subdivision 4f; 474A.048, subdivision 2; 481.02, subdivision 3; 504.02, 504.18, subdivision 1; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 504.33, subdivisions 3, 5, and 7; 504.34, subdivisions 3, 5, and 6; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, subdivisions 1, 2, and by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.19, subdivision 2; 566.205, subdivisions 1, 3, and 4; 566.21, subdivision 2; 566.25; 566.29, subdivisions 2 and 4; 566.34, subdivision 2; and 576.01, subdivision 2; Laws 1974, chapter 285, section 4, as amended; Laws 1987, chapter 404, section 28, subdivision 1; Laws 1989, chapter 335, article 1, section 27, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 115C; 116K; 268; 273; 504; and 609; proposing coding for new law as Minnesota Statutes, chapter 297E; repealing Minnesota Statutes 1990, section 462A.05, subdivisions 28 and 29."

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 718, A bill for an act relating to the state lottery; providing for the distribution of a portion of net proceeds from the state lottery in fiscal years 1992 and 1993 to the housing trust fund account and a head start account; amending Minnesota Statutes 1990, section 349A.10, subdivision 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the recommendation that the bill

pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

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

H. F. No. 736, A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; expanding the definition of drug free zones to include post-secondary and technical colleges and public housing property; requiring the sentencing guidelines commission to develop a model set of local correctional guidelines; authorizing special levies for local correctional services that do not involve incarceration; changing the name and duties of the drug abuse prevention resource council; providing incentives for judicial districts to adopt local correctional guidelines; requiring reporting of felony convictions; requiring chemical use assessments of persons convicted of felonies; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031; subdivision 1; 145.924; 152.01, subdivision 14a, and by adding a subdivision; 152.022, subdivision 1; 152.023, subdivision 2; 244.095, subdivisions 1 and 2; 254A.16, by adding subdivisions; 254A.17, subdivision 1, and by adding a subdivision; 260.015, subdivision 19; 275.50, subdivision 5; 275.51, subdivision 3f; 299A.30; 299A.31, subdivision 1; 299A.32; 401.14, by adding a subdivision; 485.16; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144, 244, and 245; repealing Minnesota Statutes 1990, sections 244.095, subdivision 3; 299A.29; and 299A.30.

Reported the same back with the following amendments:

Page 5, line 6, before the period insert "and the chairs of the human resources division of the house appropriations committee and the health and human services division of the senate finance committee"

Page 5, delete section 4

Renumber the sections in article 1 in sequence

Delete page 11, line 26 to page 32, line 9

Amend the title accordingly

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

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 761, A bill for an act relating to education; establishing the Minnesota training institute to ensure quality services to persons with developmental disabilities; requiring the institute to ensure appropriate training programs and materials; establishing a board to govern the training institute; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

Reported the same back with the following amendments:

Page 1, line 10, delete “[252.53]” and insert “[136C.80]”

Page 1, line 24, delete “[252.54]” and insert “[136C.801]”

Page 1, line 27, delete “[252.55]” and insert “[136C.802]”

Page 2, line 8, after “materials” insert “used by post-secondary institutions”

Page 3, line 14, delete “[252.56]” and insert “[136C.803]”

Page 4, line 10, after the period insert “The staff shall be in the classified service.”

Amend the title as follows:

Page 1, line 8, delete “252” and insert “136C”

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

The report was adopted.

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

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1953, chapter 127, section 1, is amended by adding a subdivision to read:

Subd. 2b. [SURVIVING SPOUSE MEMBER.] "Surviving spouse member" means the person who was the legally married spouse of the member, residing with the decedent, and who was married while or prior to the time the decedent was on the payroll of the police department, and who, in case the deceased member was a pensioner or deferred pensioner, was legally married to the member at least one year before the decedent's retirement from the police department. The term does not include the surviving spouse who has deserted a member or who has not been dependent upon the member for support, nor does it include the surviving common law spouse of a member.

Sec. 2. Laws 1965, chapter 493, section 3, as amended by Laws 1983, chapter 88, section 5, is amended to read:

Sec. 3. [INCORPORATION, GOVERNMENT BY BOARD.]

Subdivision 1. [MEMBERS, TERMS, ELECTIONS.] The association shall become incorporated. It shall be governed by a board of nine members. The mayor, chief of police, and city comptroller/treasurer of the city shall be ex officio members of the board. The Minneapolis city council shall appoint two persons to serve as members. Those members shall be appointed for a term of two years. All city appointments will be effective from January 1 in the odd-numbered years through December 31 in the even-numbered years. The other members of the board shall be elected by the members of the association. Those elected to the first board shall be elected for terms of one, two, three, four, five years respectively; thereafter election shall be for a term of five years. Each elective member of the board shall hold office until his successor is elected and has qualified. Any vacancy in the office of an elective member of the board shall be filled by a special election called for that purpose. Any member so elected shall hold office for the balance of the term for which his predecessor was elected. Those members of the board shall continue to serve their present terms as provided by this

section and the articles of incorporation and bylaws of the association. In 1983, the retired members shall separately from among themselves elect one member to serve on the board to serve a three-year term. This position shall continue to be filled by a retired member as in the same manner as provided for other elective members of the board; however, the election of this position shall be held every three years. In the years 1987, 1991, 1995, and 1999 when elections are held for board members, those board positions held by active members shall end and those board positions shall be filled by retired members from an election conducted amongst only the retired members, the term of office for those positions will be three years.

Beginning in 1991, the surviving spouse members of the relief association must elect from among themselves one surviving spouse member to serve as a member of the board for a three-year term. With the exception of a three-year term, the provisions of this section applicable to elective members of the board must govern the manner in which this position will be filled.

In the other years when elections are held to fill a board position of an active member only active members will vote. As long as there remains at least one active member on active duty with the Minneapolis police department, there shall be a member of the board of directors from the active ranks in accordance with the election procedures outlined in this section. The affairs of the association shall be regulated by its articles of incorporation and bylaws.

Subd. 2. [CONTINUATION OF BOARD.] Notwithstanding the provisions of Minnesota Statutes, section 423A.01, subdivision 2, or any other law, the board of trustees and its successors established pursuant to subdivision 1 shall continue to govern the association until there are no more than 100 members of the police pension fund. The fund must thereafter become a trust fund in accordance with Minnesota Statutes, section 423A.01, subdivision 2.

Sec. 3. Laws 1949, chapter 406, section 6, subdivision 3, as amended by Laws 1953, chapter 127, section 6; Laws 1965, chapter 493, section 3; and Laws 1983, chapter 88, section 11, is amended to read:

Subd. 3. [DISABLED MEMBERS.] Any active member who becomes disabled from performing his duties as a member of the police department of the city by reason of sickness or accident, if off the payroll of the police department, having exhausted all accumulated vacation, overtime, and sick leave credits due him, is entitled to receive from the association during his disability such benefits as the bylaws of the association provide, but such benefits shall not extend beyond a six-months period except when an active member is disabled because of an injury sustained while on duty. Such benefits

may extend for an indefinite time during disability. The bylaws may provide that an active member shall have completed a minimum number of years of service in order to be entitled to such benefits. Before any such benefits shall be paid or allowed, notice of the disability and application for benefits on account thereof shall be made to the secretary of the association within 90 days after such sickness or disability.

The bylaws may provide that such active member's periods of disability up to one year may be included in computing the member's total years of service for pension purposes.

Sec. 4. Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended by Laws 1953, chapter 127, section 4; Laws 1965, chapter 534, section 1; Laws 1967, chapter 825, section 1; Laws 1969, chapter 258, section 1; Laws 1973, chapter 272, section 1; Laws 1975, chapter 428, section 1; Laws 1983, chapter 88, section 7; and Laws 1987, chapter 372, article 2, section 6, is amended to read:

Sec. 7. [MINNEAPOLIS, CITY OF; POLICEMEN'S PENSIONS.]

The policemen's pension fund shall be used only for the payment of:

- (a) Service, disability or dependency pensions;
- (b) Salaries of the secretary of the association in an amount not to exceed 30 percent of the base salary of a top-grade patrolman and, of the president of the association in an amount not to exceed ten percent of the base salary of a top-grade patrolman, and of the other elected members of the board of trustees in an amount not to exceed three units;
- (c) Expenses of officers and employees of the association in connection with the protection of the fund;
- (d) All expenses of operating and maintaining the association;
- (e) Hospital and medical insurance for pensioners who have completed 20 years or more of service or permanent disabilitants and surviving spouses of deceased active members, disabilitants, or service pensioners who have completed 20 years or more of service of one unit per month, such one unit to be added to the pension otherwise provided for herein; provided that a pensioner or surviving spouse may in writing authorize a deduction from their pension for an insurance plan adopted by the association;
- (f) Health and welfare benefits of one unit per month in addition to other benefits for members who retire after July 1, 1980, and have

completed 20 years or more of service or members who are permanent disabilitants; and

(g) Other expenses authorized by law.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day after compliance with Minnesota Statutes, section 645.021, by a majority of the Minneapolis city council.

Delete the title and insert:

"A bill for an act relating to retirement; Minneapolis police relief association; adding a surviving spouse board member; changing board membership; providing for a phase-out of the board; amending Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended; section 6, subdivision 3, as amended; Laws 1953, chapter 127, section 1, by adding a subdivision; Laws 1965, chapter 493, section 3, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

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.

Reported the same back with the following amendments:

Page 1, line 22, after "prohibit" insert ", or grant the insurer an option to prohibit,"

Page 1, line 25, after "require" insert ", or grant the insurer an option to require,"

Page 2, line 3, after "require" insert ", or grant the insurer an option of," and after "of the" insert "existing"

Page 2, after line 5, insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to contracts entered, renewed, or amended on or after the effective date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 915, A bill for an act relating to manufactured homes; creating the office of ombudsman for manufactured home residents; authorizing the commissioner of finance to adopt rules for collection of fees from park owners; appropriating money; amending Minnesota Statutes 1990, sections 327C.01, subdivision 1; and 327C.12; proposing coding for new law in Minnesota Statutes, chapters 16A and 327C.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 939, A bill for an act relating to taxation; property; increasing a special levy for the cities of Maple Grove, Brooklyn Park, Brooklyn Center, and Coon Rapids for certain costs of providing drug abuse resistance education; amending Minnesota Statutes 1990, section 275.50, subdivision 5a; and Laws 1990, chapter 604, article 3, section 60.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 951, A bill for an act relating to local government; permitting the cities of Mankato and North Mankato to incur debt and tax for certain improvements.

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

The report was adopted.

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

H. F. No. 1027, A bill for an act relating to human services; the Minnesota equal access to employment opportunities for persons with severe disabilities act; providing for equal employment opportunities for persons with severe disabilities; establishing rights; appropriating money; amending Minnesota Statutes 1990, sections 43A.191, subdivision 2; 120.183; 252.40; 268A.08, subdivision 2; and 268A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16B and 120.

Reported the same back with the following amendments:

Page 1, line 23, after "least" insert "one-tenth of"

Page 1, line 24, after "by" insert "the legislature and"

Page 2, line 3, after the headnote insert "The legislature and"

Page 2, line 6, after "least" insert "one-tenth of"

Page 3, line 4, after "For" insert "the legislature and"

Page 3, line 29, delete "early intervention" and insert "interagency"

Page 3, line 30, delete "services program" and insert "demonstration project"

Page 3, line 32, delete "EARLY INTERVENTION" and insert "INTERAGENCY"

Page 3, line 33, delete "SERVICES PROGRAM" and insert "DEMONSTRATION PROJECT"

Page 3, line 35, delete "a"

Page 3, line 36, delete "early intervention" and insert "interagency" and delete "services" and insert "demonstration projects."

Page 4, line 1, delete "program" and insert "Grants are"

Page 4, line 2, delete everything after "services" and insert "to develop model interagency service delivery demonstration projects in"

Page 4, line 6, after the period insert "All funds appropriated for this section must be matched by noneducational community resources or utilized to purchase transition services through private nonprofit rehabilitation agencies, community support programs, or day training and habilitation service providers."

Page 7, line 4, delete "\$....." and insert "\$500,000"

Page 7, line 7, delete "program" and insert "demonstration projects" and after the period insert "The commissioner shall develop two demonstration projects in the first year of the biennium and three demonstration projects in the second year of the biennium."

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1031, A bill for an act relating to human services; providing for clarification and changes in law relating to child support enforcement; amending Minnesota Statutes 1990, sections 256B.031, subdivision 5; 518.131, subdivision 7; 518.17, subdivision 6; 518.551, subdivisions 5, 5a, and 6; 518.57, subdivision 1; and 518.64; proposing coding for new law in Minnesota Statutes, chapter 518.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

## "ARTICLE 1 REVISED CHILD SUPPORT GUIDELINES

Section 1. Minnesota Statutes 1990, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the

custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support agreement of the parties if each party is represented by independent counsel, unless the agreement is not in the best interest of justice the child or does not meet the conditions of paragraph (e). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom.

The court shall derive a specific dollar amount by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 - 500	14%	17%	20%	22%	24%	26%	28%
\$501 - 550	15%	18%	21%	24%	26%	28%	30%
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 - 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly income less	<sup>*(i)</sup> Federal Income Tax <sup>*(ii)</sup> State Income Tax <sup>(iii)</sup> Social Security Deductions <sup>(iv)</sup> Reasonable Pension Deductions
*Standard Deductions apply- use of tax tables recommended	<sup>(v)</sup> Union Dues <sup>(vi)</sup> Cost of Dependent Health Insurance Coverage <sup>(vii)</sup> Cost of Individual or Group Health/ Hospitalization Coverage or an Amount for Actual Medical Expenses <sup>(viii)</sup> A Child Support or Maintenance Order that is Currently Being Paid.

“Net income” does not include:

(1) the income of the obligor’s spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor’s living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(a) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(b) the party demonstrates, and the court finds, that:

(i) the excess employment began after the filing of the petition for dissolution;

(ii) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(iii) the excess employment is voluntary and not a condition of employment;

(iv) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(v) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (a), clause (2)(b);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) the amount of the aid to families with dependent children grant for the child or children;

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents' debts as provided in paragraph (c).

(c) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

Any schedule prepared under paragraph (c), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(d) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(e) The above guidelines are binding in each case unless the court makes express findings of fact as to the reason for departure below or above the guidelines. The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court deviates from the guidelines, the court shall make written findings giving the reasons for the deviation and shall specifically address the criteria in paragraph (b) of this subdivision and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties, each represented by independent counsel, have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines; the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

Sec. 2. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5b. [DETERMINATION OF INCOME.] (a) The parents shall timely serve on all parties and file documentation of earnings. In all cases, the court must receive the documentation of earnings at least ten days prior to the prehearing conference. Documentation of earnings includes, but is not limited to, pay stubs for the most recent three months, employer statements, or statement of receipts and expenses if self-employed. Documentation of earnings also includes copies of each parent's most recent federal tax returns, including W-2 forms, 1099 forms, unemployment compensation statements, workers' compensation statements, and all other documents evidencing income as received that provide verification of earnings over a longer period.

(b) If a parent under the jurisdiction of the court does not appear at a court hearing after proper notice of the time and place of the hearing, the court shall set income for that parent based on credible evidence before the court. This evidence may include documentation of current or recent income, testimony of the other parent concerning recent income levels, and the parent's wage reports filed with the Minnesota department of jobs and training under section 268.121.

Sec. 3. Minnesota Statutes 1990, section 518.551, is amended by adding a subdivision to read:

Subd. 5c. [CHILD SUPPORT GUIDELINES TO BE REVIEWED EVERY FOUR YEARS.] No later than 1994 and every four years after that, the department of human services shall conduct a review of the child support guidelines and shall present findings and recommendations from its review to the legislature.

Sec. 4. Minnesota Statutes 1990, section 518.64, is amended to read:

518.64 [MODIFICATION OF ORDERS OR DECREES.]

Subdivision 1. After an order for maintenance or support money, temporary or permanent, or for the appointment of trustees to receive property awarded as maintenance or support money, the court may from time to time, on petition motion of either of the parties or on petition motion of the public authority responsible for support enforcement, modify the order respecting the amount of maintenance or support money, and the payment of it, and also respecting the appropriation and payment of the principal and income of property held in trust, and may make an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Subd. 2. [MODIFICATION.] (a) The terms of a decree an order respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87; or (4) a change in the cost of living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair.

The terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order.

(b) On a motion for modification of maintenance, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

(1) shall take into consideration apply the needs of the children child support guidelines in section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

(i) the excess employment began after entry of the existing support order;

(ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) A modification of support or maintenance may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party and on the public authority if payments are made through the public authority responsible for child support enforcement. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability or, a material misrepresentation of another party, or fraud upon the court and that the party seeking modification, when no longer precluded, promptly served a motion.

(d) Except for an award of the right of occupancy of the homestead,

provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

Subd. 3. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Subd. 4. Unless otherwise agreed in writing or expressly provided in the deeree order, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.

Subd. 5. [FORM.] The department of human services shall prepare and make available to courts, obligors and persons to whom child support is owed a form to be submitted by the obligor or the person to whom child support is owed in support of a motion for a modification of an order pursuant to this section or section 256.87 for support or maintenance. The rulemaking provisions of chapter 14 shall not apply to the preparation of the form.

Sec. 5. Minnesota Statutes 1990, section 518.64, is amended by adding a subdivision to read:

Subd. 6. [EXPEDITED PROCEDURE.] (a) A modification of the child support order may be sought under the procedures in this subdivision by the public authority. The court shall order entry of the order modifying child support if:

(1) the public authority serves the obligor, in a manner provided for service of a summons under the rules of civil procedure, a copy of the notice of motion and motion for modification, the proposed order, and any memoranda, briefs, affidavits, and other papers supporting the motion for modification;

(2) the public authority demonstrates in the motion that there is a basis for modification under subdivision 2 of this section;

(3) the motion papers clearly and distinctly inform the obligor of the amount and the effective date of the modification, that the

obligor may oppose the motion, that the obligor may request a hearing on the motion, and the effect of opposing or not opposing the motion;

(4) the obligor does not oppose the motion and does not request a hearing on the motion within 20 days of service;

(5) not less than 20 days after service of a copy of the motion papers, the public authority files with the court the original notice of motion and motion, proposed order, memoranda, briefs, affidavits and other papers supporting the motion, and the affidavit of service, including the acknowledgement of service if service by mail; and

(6) the court determines that the procedures provided for in this subdivision have been followed and the requested modification is appropriate.

(b) If the obligor moves the court and requests a hearing, the court shall hear the motion under this subdivision within 45 days after the request. If, after the hearing, the modification is determined by the court to be warranted, the modification shall apply to child support payments due beginning 20 days after service of the notice of motion and motion.

(c) The supreme court shall develop standard forms for the notice of motion and motion for modification, and proposed order for the purposes of this subdivision. The supreme court shall also develop standard forms for the notice of motion and motion for a hearing on a motion for modification brought under this subdivision.

## ARTICLE 2

### DETERMINATION OF PATERNITY AMENDMENTS

Section 1. Minnesota Statutes 1990, section 257.57, subdivision 2, is amended to read:

Subd. 2. The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d) or, (e), or (f), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision; or

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (e) only if the action is brought within three years after the date of the execution of the declaration; or

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (f), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood test results.

### ARTICLE 3

#### REVENUE RECAPTURE AMENDMENTS

Section 1. Minnesota Statutes 1990, section 270A.04, subdivision 2, is amended to read:

Subd. 2. Any debt owed to a claimant agency shall be submitted by the agency for collection under the procedure established by sections 270A.01 to 270A.12 unless (a) an alternative means of collection is pending and the debtor is complying with the terms of alternative means of collection, except that this limitation does not apply to debts owed resulting from a default in payment of child support or maintenance, (b) the collection attempt would result in a loss of federal funds, or (c) the agency is unable to supply the department with the necessary identifying information required by subdivision 3 or rules promulgated by the commissioner, or (d) the debt is barred by section 541.05.

Sec. 2. Minnesota Statutes 1990, section 270A.08, subdivision 2, is amended to read:

Subd. 2. (a) This written notice shall clearly and with specificity set forth the basis for the claim to the refund including the name of the benefit program involved if the debt arises from a public assistance grant and the dates on which the debt was incurred and, further, shall advise the debtor of the claimant agency's intention to request setoff of the refund against the debt.

(b) The notice will also advise the debtor that any debt incurred more than six years from the date of the notice to the commissioner under section 270A.07, except for debts owed resulting from a default in payment of child support or maintenance or debts on which money judgment has been entered and docketed, must not be setoff against a refund and will advise the debtor of the right to contest the validity of the claim at a hearing. The debtor must assert this right by written request to the claimant agency, which request the agency must receive within 45 days of the mailing date of the original notice or of the corrected notice, as required by subdivision

1. If the debtor has not received the notice, the 45 days shall not commence until the debtor has received actual notice. The debtor shall have the burden of showing no notice and shall be entitled to a hearing on the issue of notice as well as on the merits."

Amend the title accordingly

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

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1038, A bill for an act relating to checks; increasing bank verification requirements for opening checking accounts; prohibiting service charges for dishonored checks on persons other than the issuer; regulating check numbering procedures; requiring the commissioner of commerce to adopt rules regarding verification procedure requirements; authorizing fees for obtaining certain information from financial institutions; modifying procedures and liability for civil restitution for holders of worthless checks; authorizing service charges for use of law enforcement agencies; clarifying criminal penalties; increasing information that banks must provide to holders of worthless checks; imposing penalties; amending Minnesota Statutes 1990, sections 48.512, subdivisions 4, 5, 7, and by adding subdivisions; 332.50, subdivisions 1 and 2; and 609.535, subdivisions 2a, 6, and 7; proposing coding for new law in Minnesota Statutes, chapter 48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 48.512, subdivision 4, is amended to read:

Subd. 4. [IDENTIFICATION IS AND CONFIRMATION REQUIRED.] A financial intermediary shall not open or authorize signatory power over a transaction account if none of the applicants provides a driver's license, identification card, or identification document as required by subdivision 2. When a minor is the applicant and the minor does not have a driver's license or identification card issued pursuant to section 171.07, the identification requirements of subdivision 2, clause (g), and this subdivision are satisfied if the minor's parent or guardian provides identification of

that person's own that meets the identification requirement. The financial intermediary shall verify that the identification is valid. The commissioner shall adopt rules establishing a verification procedure to be used by the financial intermediary. The financial intermediary may waive the identification requirement if the applicant has had another type of account with the financial intermediary for at least one year immediately preceding the time of application.

Sec. 2. Minnesota Statutes 1990, section 48.512, subdivision 5, is amended to read:

Subd. 5. [NO LIABILITY.] The requirements of this section do not impose any liability on financial intermediaries offering transaction accounts or, except as provided in subdivisions 3 and 4, limit a financial intermediary's discretion as to whether to grant or deny an application subject to this section. This subdivision does not exempt a financial intermediary from civil penalties imposed under section 45.027.

Sec. 3. Minnesota Statutes 1990, section 48.512, is amended by adding a subdivision to read:

Subd. 8. [CHECK LABELING.] A person providing printed checks for a transaction account shall print the month and year that the original order was received or the month and year that appears on the facsimile of the check from which the new checks are produced, unless the applicant has an existing account in good standing or a previous account in good standing within the past five years that was voluntarily closed. This subdivision no longer applies after the account has been open and in good standing for one year.

Sec. 4. Minnesota Statutes 1990, section 48.512, is amended by adding a subdivision to read:

Subd. 9. [RULES AFFECTING CHECKING ACCOUNTS; OTHER FINANCIAL INFORMATION.] The commissioner of commerce may exercise the powers authorized under section 45.027 if the commissioner has reason to believe that a financial intermediary or drawer has failed to:

(1) comply with the verification requirements of subdivision 2, 3, or 4; or

(2) release information as required under section 609.535, subdivision 7.

Sec. 5. [48.513] [FINANCIAL INTERMEDIARY FEES.]

A financial intermediary may charge a fee for the assembly,

production, and copying of records requested under chapter 13A or section 609.535, subdivision 6 or 7. The fee may not exceed a reasonable standard charge for document search and duplication. For purposes of this section, "financial intermediary" has the meaning given in section 48.512, subdivision 1.

Sec. 6. Minnesota Statutes 1990, section 332.50, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] "Check" means a check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

"Credit" means an arrangement or understanding with the drawee for the payment of the check.

"Dishonor" has the meaning given in section 336.3-507, but does not include dishonor due to a stop payment order requested by an issuer who has a good faith defense to payment on the check.

Sec. 7. Minnesota Statutes 1990, section 332.50, subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] (a) Whoever issues any check that is dishonored and is not paid within 30 days after mailing a notice of dishonor that includes a citation to this section and section 609.535, and a description of the penalties contained in these sections, in compliance with subdivision 3, is liable to the holder for: (1) the amount of the check, plus a civil penalty of up to \$100, or up to 100 percent of the value of the check, whichever is greater; (2) interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor; and (3) reasonable attorney fees if the amount of the check is over \$1,250.

(b) Before bringing an action, a payee may make a written demand for payment for the liability imposed by paragraph (a) by sending a copy of this section and a description of the liability contained in this section to the issuer's last known address.

(c) Before an action under this section is heard by the court, the plaintiff shall settle the claim if the defendant gives the plaintiff the amount of the check plus court costs, any service charge owed under paragraph (d), and attorney fees if the amount of the check was over \$1,250.

(d) A service charge not exceeding \$15 may be imposed immediately on any dishonored check, regardless of mailing a notice of dishonor, if written notice of the service charge was conspicuously displayed on the premises when the check was issued. The service charge may not exceed \$20, except that if the payee uses the services

of a law enforcement agency to obtain payment of a dishonored check, a service charge of up to \$25 may be imposed. A payee may impose only one service charge under this paragraph for each dishonored check.

(e) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed \$15 the charges in paragraph (d) or the actual cost of collection, but in no case more than \$30, or terms or conditions for imposing the charges which have been agreed to by the parties to an express contract.

Sec. 8. Minnesota Statutes 1990, section 609.535, subdivision 2a, is amended to read:

Subd. 2a. [PENALTIES.] (a) A person who is convicted of issuing a dishonored check under subdivision 2 may be sentenced as follows:

(1) to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is more than \$250; or

(2) to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the value of the dishonored check, or checks aggregated under paragraph (b), is not more than \$250.

(b) In a prosecution under this subdivision, the value of dishonored checks issued by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the dishonored checks was issued for all of the offenses aggregated under this paragraph.

Sec. 9. Minnesota Statutes 1990, section 609.535, subdivision 6, is amended to read:

Subd. 6. [RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.] A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this section or section 609.52, subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8. This subdivision applies to the following information relating to the drawer's account:

- (1) Documents relating to the opening of the account by the drawer;
- (2) Notices regarding nonsufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;
- (3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or
- (4) The last known home and business addresses and telephone numbers of the drawer.

The drawee shall release all of the information described in clauses (1) to (4) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. ~~The drawee may impose a reasonable fee for the cost for furnishing this information to law enforcement or prosecuting authorities, not to exceed 15 cents per page.~~

A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision.

Sec. 10. Minnesota Statutes 1990, section 609.535, subdivision 7, is amended to read:

Subd. 7. [RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.] (a) A drawee shall release the information specified in paragraph (b), clauses (1) and (2) to (3) to the payee or holder of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in subdivision 8 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

(b) This subdivision applies to the following information relating to the drawer's account:

- (1) Whether at the time the check was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted; and

(2) The last known home address and telephone number of the drawer. The drawee may not release the address or telephone number of the place of employment of the drawer unless the drawer is a business entity or the place of employment is the home; and

(3) A statement as to whether the aggregated value of dishonored checks attributable to the drawer within six months before or after the date of the dishonored check exceeds \$250, for purposes of this clause, a check is not dishonored if payment was not made pursuant to a stop payment order.

The drawee shall release all of the information described in clauses (1) and (2) to (3) that it possesses within ten days after receipt of a request conforming to all of the provisions of this subdivision. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed 15 cents per page, of reproducing and mailing the requested information.

(c) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this subdivision."

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete everything before "regulating"

Page 1, line 17, delete "7,"

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. 1062, A bill for an act relating to crimes; considering certain acts of theft that result in or contribute to the impairment or insolvency of an insurance company as criminal acts for purposes of the state racketeering statutes; amending Minnesota Statutes 1990, section 609.902, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 609.902, subdivision 4, is amended to read:

Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09, 299F.79; 299F.80; 299F.811; 299F.815; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.323; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (3)(b), or clause (4)(e) or (4)(d)(v) or (vi); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.67; 609.687; 609.713; 609.86; 624.713; or 624.74. "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16) if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal beneficiary association regulated under chapter 64B.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1991, and applies to crimes committed on or after that date.

Delete the title and insert:

"A bill for an act relating to crimes; considering certain acts of theft that involve an insurance company or an insurance transaction as criminal acts for purposes of the state racketeering statutes; amending Minnesota Statutes 1990, section 609.902, subdivision 4."

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. 1078, A bill for an act relating to civil legal services; making legislative findings; appropriating money to provide matching funds for qualified legal services; amending Minnesota Statutes 1990, section 480.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 480.

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

The report was adopted.

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

H. F. No. 1094, A bill for an act relating to human services; establishing an investment per bed limit for nursing homes; establishing an equipment allowance for nursing homes; establishing a capital replacement per diem for nursing homes; authorizing the recognition of debt from sales or refinancing occurring after May 22, 1983; amending Minnesota Statutes 1990, section 256B.431, subdivision 3f, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, lines 29 to 32, delete the new language

Page 2, lines 33 and 34, delete the new language and reinstate the stricken language

Page 3, delete lines 23 to 27

Page 3, line 28, delete "(h)" and insert "(g)"

Page 4, line 1, after the period insert:

"(2) The annual replacement cost from clause (1) shall be reduced by 50 percent of the excess of the nursing home's annual property-related payments, not including equipment allowance and capital replacement per diems, over the nursing home's annual principal and interest payments on debt allowable for that rate year." and after "The" insert "reduced"

Page 4, line 2, delete "then" and insert "than"

Page 4, line 3, delete "300" and insert "200"

Page 4, line 7, delete "2" and insert "3"

Page 4, line 8, after "the" insert "reduced" and delete "(1)" and insert "(2)"

Page 4, line 10, delete "(i)" and insert "(h)"

Page 4, line 12, after "purchase" insert "or"

Page 5, line 35, after "purchase" insert "or"

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1157, A bill for an act relating to housing; redefining eligibility requirement for targeted neighborhoods; appropriating money; amending Minnesota Statutes 1990, sections 466A.01, subdivision 2; 466A.02, subdivision 2; and 466A.05, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 11, delete “of the second class”

Page 1, line 13, after the comma insert “or having a population of at least 55,000 as determined by the most recent federal census figures available,”

Page 1, line 26, after “census” insert “figures available”

Page 2, lines 4 and 10, after “census” insert “figures available”

Page 2, line 11, delete “of the second class” and insert “that is not a city of the first class”

Page 2, line 17, after “census” insert “figures available”

Page 2, delete sections 3 and 4 and insert:

“Sec. 3. Minnesota Statutes 1990, section 466A.05, subdivision 2, is amended to read:

Subd. 2. [LOCATION.] Appropriation to each city of the first class shall be in proportion to the city's portion of the combined population of the cities. Appropriation to each city that is not a city of the first class shall be in proportion to the city's portion of population residing within targeted neighborhoods to the combined population of the targeted neighborhoods in all eligible non-first-class cities. The population of each city is determined by the most recent estimates available to the commissioner.

Sec. 4. [APPROPRIATION.]

\$20,000,000 is appropriated from the general fund to the commissioner of the state planning agency for the community resources program to be available for the biennium ending June 30, 1993.

\$14,000,000 is to be allocated to cities of the first class and \$6,000,000 is to be allocated to the other eligible cities with allocations to individual cities as described in section 3."

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

The report was adopted.

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

H. F. No. 1190, A bill for an act relating to utilities; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; amending Minnesota Statutes 1990, section 216B.62, subdivision 5.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1990, section 216B.62, subdivision 3, is amended to read:

Subd. 3. The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to public utilities under section 216A.085, and sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 or 6. The remainder shall be assessed by the commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during the calendar year from retail sales of gas or electric service within the state. The assessment for the ~~second~~ <sup>third</sup> quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed."

Page 1, line 8, delete "Section 1." and insert "Sec. 2."

Page 1, after line 26, insert:

"Sec. 3. Minnesota Statutes 1990, section 216D.01, subdivision 5, is amended to read:

Subd. 5. [EXCAVATION.] "Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;

(2) the extraction of minerals;

(3) the opening of a grave in a cemetery;

(4) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;

(5) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, unless any of these activities disturbs the soil to a depth of 18 inches or more; ~~or~~

(6) landscaping or gardening unless one of the activities disturbs the soil to a depth of 12 inches or more; or

(7) installation of real estate "For Sale" signs, unless the installation disturbs the soil to a depth of 12 inches or more.

Sec. 4. Minnesota Statutes 1990, section 237.295, subdivision 2, is amended to read:

Subd. 2. [ASSESSMENT OF COSTS.] The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to telephone companies, other than amounts chargeable to telephone companies under subdivision 1 or 5. The remainder must be assessed by the department to the telephone companies operating in this state in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment must be paid into the state treasury within 30 days after the bill has been mailed to the telephone companies. The bill constitutes notice of the assessment and demand of payment. The total amount that may be assessed to the telephone companies under this subdivision may not exceed one-eighth of one percent of the total gross jurisdictional operating revenues during the calendar year. The assessment for the ~~second~~ third quarter of each fiscal year

must be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed. A telephone company with gross jurisdictional operating revenues of less than \$5,000 is exempt from assessments under this subdivision."

Page 2, line 1, delete "2" and insert "5"

Page 2, line 2, delete "Section 1 is" and insert "Sections 1 to 4 are"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing the time for reconciliation of assessments of utilities and telephone companies;"

Page 1, line 5, after the semicolon insert "adding real estate signs to the exceptions from the one call excavation notice system;"

Page 1, line 6, delete "section" and insert "sections" and delete "subdivision 5" and insert "subdivisions 3 and 5; 216D.01, subdivision 5; and 237.295, subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1260, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XI; establishing a permanent housing trust fund.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on General Legislation, Veterans Affairs and Gaming.

The report was adopted.

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

H. F. No. 1265, A bill for an act relating to human services; long-term care; allowing for cost-effective alternatives for metro transportation support grants; establishing limits for certain long-term care costs; providing for the establishment of certain rates for long-term care and for community residential treatment centers; amending Minnesota Statutes 1990, sections 252.46, subdivisions 6 and 14; 252.478, subdivisions 1 and 3; 256B.19, subdivision 1, and by adding a subdivision; 256B.431, subdivision 3i, and by adding subdivisions; 256B.50, subdivision 1d; and 256B.501, subdivision 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Pages 4 and 5, delete section 5

Page 6, line 2, delete “clauses” and insert “clause”

Page 6, line 3, delete everything before the period

Page 6, delete section 7

Page 6, line 22, delete everything after “Subd. 2n.”

Page 6, delete lines 23 to 36

Page 7, delete lines 1 to 7

Page 7, line 8, delete “(c)”

Page 7, line 8, before the period insert “AFTER JULY 1, 1991”

Page 7, delete lines 21 to 23

Page 12, delete section 11

Page 13, lines 12 and 13, strike “or limitation exemption” and insert “approved by the commissioner after June 30, 1991,”

Page 13, line 23, delete “six” and insert “12”

Page 14, line 16, after the period insert “The commissioner may approve no more than two consecutive six-month rate exceptions for an eligible client whose first application for funding occurs after June 30, 1991.”

Pages 14 to 22, delete sections 13 to 16

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

The report was adopted.

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

H. F. No. 1272, A bill for an act relating to human services; establishing penalty provisions relating to those found to have wrongfully obtained assistance; limiting the availability of general assistance to those disqualified from the aid to families with dependent children program; expanding fraud prevention investigation programs; providing for a federally mandated penalty for intentionally falsifying a public assistance application; clarifying appeal filing times for medical assistance providers; amending Minnesota Statutes 1990, sections 256.98, by adding a subdivision; 256.983; 256B.064, subdivision 2; and 256D.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 1, line 18, delete “found” and insert “convicted”

Page 1, line 19, delete “to be guilty”

Page 1, lines 25, 26, and 27, delete “offense” and insert “conviction”

Page 1, line 29, delete “findings” and insert “conviction”

Page 1, line 30, delete “are” and insert “is”

Page 2, line 5, after the period insert “When the disqualified individual is a caretaker relative, the remainder of the aid to families with dependent children grant payable to the other eligible assistance unit members shall be provided in the form of protective payments. These payments can be made to the disqualified individual only if, after reasonable efforts, the county agency documents that it cannot locate an appropriate protective payee. Protective payments shall continue until the disqualification period ends.”

Page 3, line 29, delete “assistance” and insert “foodstamps” and delete “chapters 256, 256B, 256D, 256I, and” and insert “chapter”

Page 5, after line 2, insert:

“Sec. 6. Minnesota Statutes 1990, section 609.52, is amended by adding a subdivision to read:

Subd. 4. [SENTENCE FOR WRONGFULLY OBTAINED ASSISTANCE.] (a) Notwithstanding subdivision 3, whoever commits theft by wrongfully obtaining assistance may not be sentenced to imprisonment for any period of time, unless the offender has one or more prior convictions for theft.

(b) In addition to any sentence imposed or stayed, the court may order waiver of the disqualification period required under section 256.98, subdivision 8.

(c) No interest may accrue on any court-ordered restitution that is reduced to a civil judgment against the defendant.

(d) If the court orders payment of restitution as a condition of probation, the period of probation must end when the defendant pays the entire amount of the court-ordered restitution.”

Page 5, line 3, delete “6” and insert “7”

Page 5, line 4, delete the first semicolon and insert “and 6 are effective July 1, 1991, and apply to assistance wrongfully obtained after that date. Sections”

Amend the title as follows:

Page 1, line 3, delete “found to have” and insert “convicted of”

Page 1, line 4, delete “obtained” and insert “obtaining”

Page 1, line 13, delete "and" and after the second semicolon insert "and 609.52, by adding a subdivision;"

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

The report was adopted.

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

H. F. No. 1286, A bill for an act relating to the secretary of state; changing certain fees, deadlines, and procedures; providing for supplemental filing and information services; providing for removal of documents from the public record; clarifying certain language; amending Minnesota Statutes 1990, sections 5.03; 5.16, subdivision 5; 302A.821, subdivisions 3, 4, and 5; 303.07, subdivision 2; 303.08; 303.13, subdivision 1; 303.17, subdivision 1; 308A.131, subdivision 1; 308A.801, subdivision 6; 317A.821, subdivision 2; 317A.823; 317A.827, subdivision 1; and 331A.02, subdivision 1; Laws 1989, chapter 236, section 12; proposing coding for new law in Minnesota Statutes, chapter 5.

Reported the same back with the following amendments:

Page 4, line 8, strike "registrations" and insert "registration"

Page 10, line 25, strike "registrations" and insert "registration"

Page 13, line 4, delete "and 15" and insert "15, and 17"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1318, A bill for an act relating to intoxicating liquor; providing for sale of intoxicating liquor at a sports arena in Minneapolis; amending Minnesota Statutes 1990, section 340A.404, subdivision 2, and by adding a subdivision.

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1359, A bill for an act relating to housing; requiring counseling for reverse mortgage loans; providing penalties; amending Minnesota Statutes 1990, section 47.58, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 24, delete "the lender provides"

Page 1, line 25, after "services" insert "are provided"

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

The report was adopted.

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

H. F. No. 1422, A bill for an act relating to workers' compensation; regulating benefits and insurance; establishing a permanent commission on workers' compensation; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 79.252, by adding a subdivision; 176.011, subdivisions 3, 11a, and 18; 176.101, subdivisions 1, 2, and 3f; 176.102, subdivisions 1, 2, 3, 3a, 4, 6, 9, and 11; 176.111, subdivision 18; 176.135, subdivisions 1, 6, and 7; 176.136, subdivisions 1, 2, and by adding subdivisions; 176.645, subdivisions 1 and 2; 176.83, subdivisions 5, 6, and by adding a subdivision; 176A.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 175 and 176; repealing Minnesota Statutes 1990, sections 175.007; and 176.136, subdivision 5.

Reported the same back with the following amendments:

Page 6, line 5, delete everything after "job"

Page 6, delete line 6

Page 6, line 7, delete everything before the comma and insert "through no fault of the employee"

Page 26, line 12, delete "requiring" and insert "to be adopted shall require"

Page 27, line 34, delete "11" and insert "12"

Page 28, line 1, delete "11" and insert "12"

Page 28, lines 3 and 11, delete "an 11" and insert "a 12"

Page 30, after line 19, insert:

"Sec. 6. [SPECIAL FUND ASSESSMENTS.]

The commissioner of labor and industry shall, in addition to any other adjustments, reduce the assessment rate for the special compensation fund under Minnesota Statutes, section 176.129, by a percentage that yields a decrease in the gross amount that would otherwise be collected from the assessment in the period January 1, 1992, to January 1, 1993, equal to the appropriation made from the general fund by sections 3 and 4."

Page 30, line 23, after the period insert "Section 6 is effective the day following final enactment."

Page 32, line 20, before "salary" insert "range of"

Page 32, line 21, delete "of" and insert "and the salary level within it for"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

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

The report was adopted.

Clark from the Committee on Housing to which was referred:

H. F. No. 1508, A bill for an act relating to housing; providing for a neighborhood rehabilitation program for the cities of Saint Paul and Duluth; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

The report was adopted.

Long from the Committee on Rules and Legislative Administration to which was referred:

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.

Reported the same back with the following amendments:

Page 1, line 9, delete "Wednesday, April 3," and insert "Monday, April 15,"

With the recommendation that when so amended the concurrent resolution be adopted.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 74, 123, 200, 244, 287, 407, 456, 459, 526, 551, 579, 584, 592, 642, 696, 813, 821, 1038, 1062, 1190 and 1209 were read for the second time.

## **SUSPENSION OF RULES**

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Kahn moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1209 be given its third reading and be placed upon its final passage. The motion prevailed.

Kahn moved that the Rules of the House be so far suspended that H. F. No. 1209 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1209, A resolution memorializing the President and Congress to condemn the use of Soviet military force in the Baltic Republics and support the Baltic Republics for their self-determination.

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

The bill was passed and its title agreed to.

## SECOND READING OF HOUSE BILLS, Continued

H. F. Nos. 1286 and 1318 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 539 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Koppendrayer and Omann introduced:

H. F. No. 1509, A bill for an act relating to water resources;

allowing certain land to be used as a veterans cemetery under certain circumstances; amending Minnesota Statutes 1990, section 103F.369, subdivision 2, and by adding a subdivision.

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

Stanius, Sarna, Milbert, Osthoff and Runbeck introduced:

H. F. No. 1510, A bill for an act relating to game and fish; authorizing designation of trophy northern pike waters; repealing certain restrictions on winter fishing; amending Minnesota Statutes 1990, section 97C.011; repealing Minnesota Statutes 1990, section 97C.385.

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

Goodno and Dauner introduced:

H. F. No. 1511, A bill for an act relating to education; authorizing construction at Moorhead Technical College.

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

Bodahl introduced:

H. F. No. 1512, A bill for an act relating to taxation; revising qualifications for the metropolitan agricultural preserves program; reducing the tax on certain lands and buildings in agricultural preserves; amending Minnesota Statutes 1990, sections 473H.03, subdivision 4; and 473H.10, subdivision 3; repealing Minnesota Statutes 1990, section 473H.03, subdivision 3.

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

Bodahl; Brown; Johnson, R., and Macklin introduced:

H. F. No. 1513, A bill for an act relating to waters; granting sheriffs power to bar vehicles from unsafe ice; proposing coding for new law in Minnesota Statutes, chapter 86B.

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

Johnson, R., introduced:

H. F. No. 1514, A bill for an act relating to economic development; establishing the Minnesota marketplace program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Orenstein, McGuire, Osthoff, Hausman and Valento introduced:

H. F. No. 1515, A bill for an act relating to Ramsey county; creating a Ramsey county consolidation study commission; setting its duties; appropriating money.

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

Hausman, McGuire, Trimble and Dawkins introduced:

H. F. No. 1516, A bill for an act relating to education; permitting the Roseville area, St. Paul, and South St. Paul school districts to form joint powers agreement to integrate schools and programs; appropriating money.

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

Skoglund introduced:

H. F. No. 1517, A bill for an act relating to insurance; providing for replacement cost insurance coverage for personal property; prohibiting insurers from requiring more than one residential renter's insurance policy be written to cover a single household; amending Minnesota Statutes 1990, section 65A.10; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

Hausman and Skoglund introduced:

H. F. No. 1518, A bill for an act relating to the environment; regulating financial responsibility for mining activities; modifying financial assurance requirements; amending Minnesota Statutes 1990, section 93.49.

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

Cooper introduced:

H. F. No. 1519, A bill for an act relating to cooperatives; modifying requirements for absentee ballots; amending Minnesota Statutes 1990, section 308A.635, subdivision 6.

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

Wejcmann introduced:

H. F. No. 1520, A bill for an act relating to traffic regulations; authorizing cities of the first class to establish programs using volunteers to help enforce laws relating to parking for the physically disabled; amending Minnesota Statutes 1990, section 169.346, by adding a subdivision.

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

Segal introduced:

H. F. No. 1521, A bill for an act relating to economic development; creating a legislature advisory commission on quasi-governmental agencies including public corporations and public nonprofit corporations; appropriating money.

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

Olsen, S.; Heir and Haukoos introduced:

H. F. No. 1522, A bill for an act relating to consumer protection; trade regulations; prohibiting commercial telephone solicitation of residential subscribers who elect to not be solicited; setting a fee; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 325G.

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

Stanius, Greenfield, Runbeck, Tompkins and Welle introduced:

H. F. No. 1523, A bill for an act relating to health; requiring registration for drug outlets; allowing the board of pharmacy to regulate over-the-counter drugs; amending Minnesota Statutes 1990, sections 151.01, by adding a subdivision; 151.19, by adding a subdivision; and 151.26.

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

Steensma and Ogren introduced:

H. F. No. 1524, A bill for an act relating to recreational vehicles; establishing titling system for snowmobiles; providing for perfection of security interests in snowmobiles; amending Minnesota Statutes 1990, sections 84.82, subdivision 1a; and 336.9-302; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Trimble and Farrell introduced:

H. F. No. 1525, A bill for an act relating to occupational safety and health; regulating the use of video display terminals; amending Minnesota Statutes 1990, sections 182.651, by adding subdivisions; and 182.653, by adding subdivisions.

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

Erhardt, Goodno, Hufnagle, Krinkie and Newinski introduced:

H. F. No. 1526, A bill for an act proposing an amendment to the Minnesota Constitution; changing article IV, section 4, and article V, section 1; providing limits for legislative and executive service.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau introduced:

H. F. No. 1527, A bill for an act relating to self-insurance; regulating custodial accounts; amending Minnesota Statutes 1990, sections 79A.02, subdivision 2, and by adding a subdivision; 79A.03, subdivisions 3, 7, and 9; 79A.04, subdivision 2; and 79A.06, subdi-

vision 5; proposing coding for new law in Minnesota Statutes, chapter 79A; repealing Minnesota Rules, part 2780.0400, subparts 2, 3, 6, and 7.

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

Rukavina introduced:

H. F. No. 1528, A bill for an act relating to occupations and professions; barber registration; clarifying registration requirements for barbers, apprentices, and instructors; expanding causes for discipline; providing for summary suspension; amending Minnesota Statutes 1990, sections 154.01; 154.03; 154.04; 154.05; 154.06; 154.065, subdivisions 2 and 4; 154.07, subdivisions 1, 3, 5, 6, and by adding a subdivision; 154.09; 154.10; 154.11; 154.12; 154.14; 154.15; 154.16; 154.18; and 154.22; proposing coding for new law in Minnesota Statutes, chapter 154; repealing Minnesota Statutes 1990, sections 154.065, subdivisions 1, 3, 5, 7, and 8; 154.07, subdivision 2; 154.085; 154.13; and 154.17.

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

Gruenes, Bertram, Bauerly and Marsh introduced:

H. F. No. 1529, A bill for an act relating to education; authorizing a land exchange between the city of St. Cloud and St. Cloud State University.

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

Welle introduced:

H. F. No. 1530, A bill for an act relating to human services; providing an exception to the nursing home moratorium; clarifying requirements for proposals of renovations or replacements of existing nursing homes; establishing a health development review process for renovation or replacement proposals; amending Minnesota Statutes 1990, sections 144A.071, subdivision 3, and by adding subdivisions; 144A.073, subdivisions 1, 2, 4, and 5; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

Anderson, I., introduced:

H. F. No. 1531, A bill for an act relating to metropolitan government; providing for the appointments and terms of the metropolitan council; assigning duties relating to transit; transferring transit duties to the department of transportation; amending Minnesota Statutes 1990, sections 174.01; 398A.04, subdivision 8; 473.123, subdivisions 2a, 3, and 4; 473.373; 473.375, subdivisions 8, 11, 13, 14, and 15; 473.377; 473.38; 473.382; 473.384; 473.385, subdivision 2; 473.386; 473.387; 473.388; 473.39; 473.391; 473.392; 473.399, subdivision 3; 473.3991, subdivisions 1 and 4; 473.3994; 473.3996; 473.404, subdivisions 2 and 6; 473.446; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1990, sections 473.373, subdivision 6; 473.375, subdivision 7; 473.38, subdivision 3; 473.384, subdivision 9; 473.388, subdivision 6; and 473.3994, subdivision 7.

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

Ozment introduced:

H. F. No. 1532, A bill for an act relating to the city of Rosemount; authorizing the establishment of a special environmental treatment area, the establishment of tax increment financing districts, and the exercise of certain development and contaminant remediation powers.

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

Reding, Hanson and Jefferson introduced:

H. F. No. 1533, A bill for an act relating to retirement; judges retirement fund; modifying the procedures for the payment of social security and retirement fund contributions; appropriating money to the supreme court for the payment of social security and retirement fund employer contributions; amending Minnesota Statutes 1990, sections 355.392, subdivisions 2 and 3; and 490.123, subdivision 1.

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

Reding; Hanson; Johnson, R., and Jefferson introduced:

H. F. No. 1534, A bill for an act relating to retirement; state unclassified employees retirement program; permitting plan participants who move to unclassified positions not covered by the plan to

elect to participate in the plan; amending Minnesota Statutes 1990, section 352D.02, by adding a subdivision.

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

Girard introduced:

H. F. No. 1535, A bill for an act relating to counties; permitting county boards to appropriate necessary funds to be used for a radio or television broadcast facility; amending Minnesota Statutes 1990, section 375.164.

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

Bauerly and Gruenes introduced:

H. F. No. 1536, A bill for an act relating to the city of St. Cloud; authorizing the commissioner of administration to sell certain surplus lands to the city.

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

Clark, Kahn and Rice introduced:

H. F. No. 1537, A bill for an act relating to taxation; updating references to the Internal Revenue Code; modifying the computation of taxable income; increasing individual income tax rates; imposing the sales tax on services; amending Minnesota Statutes 1990, sections 290.01, subdivisions 19 and 19a; 290.06, subdivisions 2c and 2d, and by adding a subdivision; 290.067, subdivision 1; 290.92, subdivision 1; 297A.01, subdivision 3; 297A.14, by adding a subdivision; 297A.25, by adding a subdivision; and 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A.

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

Greenfield and Lourey introduced:

H. F. No. 1538, A bill for an act relating to human services; requiring a grant program for congregate housing; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Henry, Blatz and Hufnagle introduced:

H. F. No. 1539, A bill for an act relating to elections; authorizing certain school district elections to be held in odd-numbered years; amending Minnesota Statutes 1990, section 205A.04.

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

Runbeck, Winter, Lynch and Girard introduced:

H. F. No. 1540, A bill for an act relating to occupations and professions; requiring licensure for electrical lighting fixture installers in private dwellings; amending Minnesota Statutes 1990, section 326.242, subdivision 8, and by adding a subdivision.

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

Lynch, Rukavina, Weaver, McEachern and Bettermann introduced:

H. F. No. 1541, A bill for an act relating to education; adding a requirement for licensure of teachers of hearing impaired students; proposing coding for new law in Minnesota Statutes, chapter 125.

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

Kahn, Garcia, Lourey, Kelso and Wejcmans introduced:

H. F. No. 1542, A bill for an act relating to motor vehicles; clarifying that engines may be replaced under certain conditions; amending Minnesota Statutes 1990, sections 116.63, subdivision 3; and 325E.0951, subdivision 3.

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

Peterson, Cooper and Bodahl introduced:

H. F. No. 1543, A bill for an act relating to taxation; providing that

city of Dawson is exempt from certain tax increment financing provisions.

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

Peterson; Nelson, K.; McEachern and Winter introduced:

H. F. No. 1544, A bill for an act relating to education; authorizing certain school districts to levy for interactive television projects, subject to a reverse referendum.

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

Steensma, Sparby, Long, Battaglia and Wenzel introduced:

H. F. No. 1545, A bill for an act relating to agriculture; appropriating money for farm advocates within the farmer-lender mediation act.

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

Koppendrayer, Omann, Bauerly, Rodosovich and Leppik introduced:

H. F. No. 1546, A bill for an act relating to taxation; property tax; providing that a penalty not be imposed on Mille Lacs county for an excess levy.

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

Sviggum introduced:

H. F. No. 1547, A bill for an act relating to taxation; providing that a penalty not be imposed on Goodhue County for an excess levy.

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

Davids; Anderson, R. H.; Ostrom and Frederick introduced:

H. F. No. 1548, A bill for an act relating to education; transferring the Waseca campus from the University of Minnesota to the com-

munity college system; establishing a planning committee; requiring a report; appropriating money; amending Minnesota Statutes 1990, section 136.60.

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

Wenzel, Omann, Steensma, Krueger and Nelson, S., introduced:

H. F. No. 1549, A resolution memorializing the President and Congress of the United States to ensure that the federal milk marketing order is modified.

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

Welker; Olson, K.; McEachern; Svingum and Vanasek introduced:

H. F. No. 1550, A bill for an act relating to education; authorizing districts with interdistrict cooperation agreements to hold school board meetings in any district that is a party to the agreement; amending Minnesota Statutes 1990, section 122.541, subdivision 7.

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

Erhardt introduced:

H. F. No. 1551, A bill for an act relating to retirement; Edina volunteer firefighters relief association; modifying limitations on survivor benefit coverage; amending Laws 1965, chapter 592, section 4, as amended.

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

Heir, Goodno, Davids, Newinski and Bettermann introduced:

H. F. No. 1552, A bill for an act relating to lawful gambling; treating combined receipt tax expenditures and costs of required audits as lawful purposes; modifying the minimum percentages of gross profit which must be expended for lawful purposes; repealing authority of the gambling control board to define allowable expenses; making requirements for posting of pull-tab winners applicable only at the direction of the gambling control board; amending Minnesota Statutes 1990, sections 349.12, subdivision 25, 349.15, 349.172; and 349.213, subdivision 1.

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

Swenson, McPherson, Hanson and Beard introduced:

H. F. No. 1553, A bill for an act relating to Washington county; exempting items purchased for use in the construction of the Washington County Law Enforcement Center from the sales tax; appropriating money.

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

Krinkie, Ozment and Abrams introduced:

H. F. No. 1554, A bill for an act relating to taxation; property; exempting certain wetlands; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

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

Krinkie, Stanius and Abrams introduced:

H. F. No. 1555, A bill for an act relating to taxation; providing a property tax exemption for certain property leased by a municipality; amending Minnesota Statutes 1990, section 272.02, subdivision 1.

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

Clark introduced:

H. F. No. 1556, A bill for an act relating to human services; requiring coverage of depo medroxyprogesterone acetate under the medical assistance program without prior authorization; amending Minnesota Statutes 1990, section 256B.0625, subdivision 13.

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

Trimble introduced:

H. F. No. 1557, A bill for an act relating to appropriations;

providing a refund of a bond allocation deposit; appropriating money.

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

Runbeck, Dille and Weaver introduced:

H. F. No. 1558, A bill for an act relating to state government; providing for citizen accessibility to the capitol and meetings of the legislature; providing for citizen accessibility to county board meetings; requiring a study by the commissioner of employee relations on incentive-based pay; requiring a moratorium on new state government positions in the classified service; amending Minnesota Statutes 1990, sections 15.50, subdivision 2; and 375.07; proposing coding for new law in Minnesota Statutes, chapter 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau introduced:

H. F. No. 1559, A bill for an act relating to workers' compensation; regulating self-insurance; defining various terms; regulating certain administrative duties, powers, and procedures; regulating various benefits; providing penalties; amending Minnesota Statutes 1990, sections 175.171; 175.24; 175.27; 176.011, subdivision 24; 176.061, by adding a subdivision; 176.102, subdivisions 3, 3a, and 4; 176.103, subdivision 3; 176.104, subdivision 1; 176.106, subdivisions 3, 7, and 8; 176.135, subdivisions 3, 6, and 7; 176.138; 176.155, subdivision 1; 176.191, subdivisions 2 and 3; 176.238, subdivisions 6 and 9; 176.239, subdivisions 2, 3, 4, and 7; 176.351, subdivision 2a; 176.401; 182.659, subdivision 8, and by adding a subdivision; and 268A.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1990, sections 175.10; 176.021, subdivision 3a; 176.136, subdivision 3; and 176.231, subdivisions 8 and 9.

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

Simoneau introduced:

H. F. No. 1560, A bill for an act relating to occupational safety and health; providing definitions; modifying duties; increasing penalties; amending Minnesota Statutes 1990, sections 182.651, by adding subdivisions; 182.661, subdivisions 1, 2, 2a, 3, 3a, and by adding subdivisions; 182.664, subdivisions 3 and 5; 182.666, subdivisions 1,

2, 3, 4, 5, and 5a; 182.669, subdivision 1; repealing Minnesota Statutes 1990, section 182.664, subdivision 2.

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

Simoneau introduced:

H. F. No. 1561, A bill for an act relating to department of labor and industry data; establishing data privacy for workers' compensation and occupational safety and health data; providing penalties; amending Minnesota Statutes 1990, sections 175.24; 175.27; 176.38; 176.401; 182.659, subdivision 8; and 182.659, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1990, sections 175.10; and 176.231, subdivisions 8 and 9.

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

Farrell, Dawkins, Hausman and Osthoff introduced:

H. F. No. 1562, A bill for an act relating to courts; permitting a joint committee to determine functions to be discharged in Ramsey county municipalities; amending Minnesota Statutes 1990, section 488A.18, subdivision 10; repealing Minnesota Statutes 1990, sections 488A.18, subdivision 13; and 488A.185.

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

Wenzel introduced:

H. F. No. 1563, A bill for an act relating to education; providing that a decision of a resident school district to disallow transportation by a nonresident district shall be final; amending Minnesota Statutes 1990, sections 120.062, subdivision 9; and 123.39, subdivision 6.

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

Johnson, V.; Newinski; Anderson, R. H.; Smith and Krinkie introduced:

H. F. No. 1564, A bill for an act relating to lawful gambling; treating combined receipt tax expenditures and costs of required

audits as lawful purposes; modifying the minimum percentages of gross profit which must be expended for lawful purposes; repealing authority of the gambling control board to define allowable expenses; making requirements for posting of pull-tab winners applicable only at the direction of the gambling control board; amending Minnesota Statutes 1990, sections 349.12, subdivision 25; 349.15; 349.172; and 349.213, subdivision 1.

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

Murphy; Anderson, I.; Janezich and Gruenes introduced:

H. F. No. 1565, A bill for an act relating to utilities; authorizing public utilities commission to hear, determine, and redress discriminatory treatment by municipally owned utilities against nonresidents; amending Minnesota Statutes 1990, section 216B.17, subdivision 6.

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

Onnen introduced:

H. F. No. 1566, A bill for an act relating to state government; appropriations; reducing state personnel costs for managerial and supervisory employees; requiring the development of a plan by the commissioners of employee relations and finance; increasing local government aid; amending Minnesota Statutes 1990, sections 477A.011, subdivision 28, as amended; 477A.014, subdivision 1, as amended; and Laws 1990, chapter 604, article 4, section 19.

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

McGuire introduced:

H. F. No. 1567, A bill for an act relating to retirement; Falcon Heights volunteer firefighters relief associations; authorizing full vesting with five years of service.

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

Scheid, Waltman, Ozment and Weaver introduced:

H. F. No. 1568, A bill for an act relating to education; clarifying

and reducing certain mandates for school districts; amending Minnesota Statutes 1990, sections 121.882, by adding a subdivision; 122.94, subdivision 6; 123.706, subdivision 6; 126.666, by adding a subdivision; 203B.085; 275.065, subdivisions 3, 5a, and 6.

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

Bishop, Kahn, Krueger, Reding and Solberg introduced:

H. F. No. 1569, A bill for an act relating to state property; authorizing the rental of state land for public purposes under certain conditions; authorizing lease-purchase agreements and leases with option to buy; amending Minnesota Statutes 1990, section 16B.24, subdivisions 5 and 6.

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

Clark and Hausman introduced:

H. F. No. 1570, A bill for an act relating to human services; appropriating money for the New Chance demonstration project.

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

Carruthers, Rest, Leppik, Ogren and Erhardt introduced:

H. F. No. 1571, A bill for an act relating to taxation; changing certain collection, penalty, and disclosure provisions; authorizing and clarifying revenue notices and tax information bulletins; requiring payment of certain tax liabilities by electronic funds transfer; providing for uniform recording of state and federal tax liens; creating a revenue department revolving fund; appropriating money; imposing a penalty; amending Minnesota Statutes 1990, sections 13.51, subdivision 2; 14.03, subdivision 3; 115B.24, subdivision 2; 138.17, subdivision 1a; 268.161, subdivision 1; 270.274, subdivision 1; 270.66, subdivision 3; 270.68, subdivision 1; 270.69, subdivisions 2, 8, 9, and by adding a subdivision; 270.70, subdivision 10; 270.703, subdivision 2; 270.75, subdivision 4; 270B.09; 272.479; 272.482; 272.483; 272.485; 272.486; 289A.19, subdivision 1; 289A.20, subdivisions 1, 2, and 4; 289A.26, by adding a subdivision; 289A.30, subdivision 1; 289A.37, subdivision 1; 289A.38, subdivision 9; 289A.42, subdivisions 1 and 2; 289A.60, subdivisions 2, 12, and by adding a subdivision; 290.611, subdivision 1; 290.92, by adding a subdivision; 296.14, subdivision 1; 297.03, subdivision 6; 297.35, subdivision 1; 297C.03, subdivision 1; 297C.04; 336.9-411;

349.212, subdivision 4; 357.18, subdivision 2; 386.46; 473.843, subdivision 3; 508.25; and 508A.25; proposing coding for new law in Minnesota Statutes, chapters 270 and 272; repealing Minnesota Statutes 1990, sections 272.487; 289A.19, subdivision 6; 290.48, subdivisions 5 and 8; and 297A.39, subdivision 9.

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

Schafer introduced:

H. F. No. 1572, A bill for an act relating to transportation; authorizing advance funding by local governments to expedite trunk highway projects; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Rest introduced:

H. F. No. 1573, A bill for an act relating to occupations and professions; changing education requirements for certification and licensure as a certified public accountant; amending Minnesota Statutes 1990, section 326.19.

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

Nelson, K., introduced:

H. F. No. 1574, A bill for an act relating to taxation; extending the property tax exemption for buildings leased to school districts for use in certain community education programs; amending Minnesota Statutes 1990, section 272.02, subdivision 8.

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

Kalis introduced:

H. F. No. 1575, A bill for an act relating to workers' compensation; regulating coverage for family farm employees; amending Minnesota Statutes 1990, section 176.011, subdivision 11a.

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

Brown introduced:

H. F. No. 1576, A bill for an act relating to human services; providing an exception to rate setting procedures for certain facilities; amending Minnesota Statutes 1990, section 256B.501, by adding a subdivision.

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

Sparby introduced:

H. F. No. 1577, A bill for an act relating to natural resources; providing for a study of the consolidated conservation areas; appropriating money.

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

Sparby introduced:

H. F. No. 1578, A bill for an act relating to state government; appropriating money for the construction of a noncommercial television station tower in northwestern Minnesota.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 661, A resolution memorializing Canada to correct the new permit regulations for the Canada-Minnesota border, and to encourage federal, state, and provincial governments to resolve differences to the mutual benefit and satisfaction of the citizens of both countries.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 254, 713, 729, 391, 734 and 774.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 254, A bill for an act relating to health; maternal and child health; clarifying newborn screening requirements; clarifying eligibility for maternal and child health services; requiring birth or death certificate medical supplements to report prenatal exposure to controlled substances; amending Minnesota Statutes 1990, sections 144.126; 144.128; 145.883, subdivision 5; and 626.5562, subdivision 3.

The bill was read for the first time.

Greenfield moved that S. F. No. 254 and H. F. No. 735, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 713, A bill for an act relating to human services licensing; repealing certain rule criteria for disqualification of applicants for licensing and their employees; amending Minnesota Statutes 1990, section 245A.04, subdivision 3.

The bill was read for the first time.

Segal moved that S. F. No. 713 and H. F. No. 488, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 729, A bill for an act relating to game and fish; qualifications for obtaining a license to take wild animals by firearms; proposing coding for new law in Minnesota Statutes, chapter 97B.

The bill was read for the first time.

Pugh moved that S. F. No. 729 and H. F. No. 935, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 391, A bill for an act relating to animal health; providing alternative methods for the disposal of certain animal carcasses; amending Minnesota Statutes 1990, section 35.82, subdivisions 1b and 2.

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

S. F. No. 734, A bill for an act relating to retirement; highway patrol refund of certain employee contributions upon death; amending Minnesota Statutes 1990, section 352B.11, by adding a subdivision.

The bill was read for the first time.

Jefferson moved that S. F. No. 734 and H. F. No. 389, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 774, A bill for an act relating to health; clarifying licensing requirements for certain residential programs for persons with chemical dependency; establishing procedures for contesting a transfer or discharge from a nursing home; setting a time limit for appeals of civil penalties under the nursing home licensing laws; providing procedures for contesting findings under the vulnerable adults act; amending Minnesota Statutes 1990, sections 144.50, subdivision 6; 144.653, subdivision 5; 144A.10, subdivisions 4 and 6d; 144A.135; 144A.45, subdivision 2; 144A.46, subdivision 2, and by adding a subdivision; 144A.53, subdivision 1; 144A.61, subdivisions 3, 3a, and 6a; 144A.611, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 196

A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

April 5, 1991

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. 196, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 196 be further amended as follows:

Page 2 of the Senate amendment, delete lines 7 to 10, and insert:

*"Be It Resolved* by the Legislature of the State of Minnesota that it urges the Congress of the United States to begin immediate committee hearings and requests action on the POW/MIA truth bill."

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

House Conferees: PAT BEARD, ROBERT P. MILBERT AND DENNIS R. NEWINSKI.

Senate Conferees: JOE BERTRAM, SR., JANET JOHNSON AND GARY W. LAIDIG.

Beard moved that the report of the Conference Committee on H. F. No. 196 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 196, A resolution memorializing the Congress of the United States to enact the POW/MIA truth bill, that relates to the disclosure of live sighting information on American service personnel missing in action from World War II, Korea, and Vietnam.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

### CONSENT CALENDAR

Long moved that the bills on the Consent Calendar for today be continued. The motion prevailed.

### CALENDAR

Long moved that the bill on the Calendar for today be continued. The motion prevailed.

### GENERAL ORDERS

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

### MOTIONS AND RESOLUTIONS

Uphus moved that the name of Frederick be added as an author on H. F. No. 906. The motion prevailed.

Tunheim moved that the names of Jaros, Hartle and Carlson be added as authors on H. F. No. 1119. The motion prevailed.

Skoglund moved that the name of Clark be added as an author on H. F. No. 1139. The motion prevailed.

Wenzel moved that the name of Newinski be added as an author on H. F. No. 1202. The motion prevailed.

Rest moved that the name of Leppik be added as an author on H. F. No. 1251. The motion prevailed.

Clark moved that the name of Skoglund be added as an author on H. F. No. 1328. The motion prevailed.

Runbeck moved that the name of Swenson be added as an author on H. F. No. 1355. The motion prevailed.

Reding moved that the name of Goodno be added as an author on H. F. No. 1375. The motion prevailed.

Stanis moved that the name of Newinski be added as an author on H. F. No. 1424. The motion prevailed.

Thompson moved that the name of Anderson, R., be added as an author on H. F. No. 1447. The motion prevailed.

Seaberg moved that the name of Solberg be added as an author on H. F. No. 1449. The motion prevailed.

Jefferson moved that the names of Sarna and Long be added as authors on H. F. No. 1455. The motion prevailed.

Rest moved that the name of Abrams be added as an author on H. F. No. 1497. The motion prevailed.

Ostrom moved that S. F. No. 252 be recalled from the Committee on Housing and together with H. F. No. 407, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Peterson moved that H. F. No. 552, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Onnen moved that H. F. No. 93 be returned to its author. The motion prevailed.

Runbeck moved that H. F. No. 946 be returned to its author. The motion prevailed.

House Concurrent Resolution No. 3 was reported to the House.

Long moved that House Concurrent Resolution No. 3 be now adopted.

Long moved to amend House Concurrent Resolution No. 3, as amended by the Committee on Rules and Legislative Administration, as follows:

Page 1, line 9, delete "Monday, April 15," and insert "Wednesday, April 17,"

The motion prevailed and the amendment was adopted.

#### 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.

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

The House of Representatives and the Senate shall meet in joint convention on Wednesday, April 17, 1991, at 12 o'clock noon in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

The motion prevailed and House Concurrent Resolution No. 3, as amended, was adopted.

Vanasek, for the Committee on Ways and Means, introduced:

House Resolution No. 3, A house resolution setting the maximum limit on revenues and appropriations for the biennium.

#### HOUSE RESOLUTION NO. 3

A house resolution setting the maximum limit on revenues and appropriations for the biennium.

*Be It Resolved* by the House of Representatives that the sum of \$15,339,055,000 is the maximum limit on state appropriations and transfers from the general fund for fiscal years 1992 and 1993. This limit is adopted under House Rule 5.10.

*Be It Further Resolved* that the Legislature finds that a budget reserve of the sum of \$250,730,000 is necessary.

*Be It Further Resolved* that the sum of (1) the unreserved general fund balance at the end of fiscal year 1993 and, (2) revenues for the purpose of general fund appropriations and transfers for the fiscal years of 1992 and 1993 must not exceed \$15,589,785,000. This limit is adopted under House Rule 5.10.

*Be It Further Resolved* that the Legislature finds that it should continue to improve legislative oversight of off budget expenditures through fund consolidation into the general fund and that the limit on appropriations and transfers from the general fund established under House Rule 5.10 may be automatically adjusted to reflect fund consolidation adopted by the Legislature.

*Be It Further Resolved* that if a law is enacted to reform the property tax system, the maximum limit on general fund appropriations and transfers is changed by the amount by which the law changes general fund revenues and expenditures for the biennium ending June 30, 1993.

Long moved that House Resolution No. 3 be now adopted.

#### CALL OF THE HOUSE

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

Abrams	Davids	Hausman	Leppik	Olson, E.
Anderson, I.	Dawkins	Heir	Lieder	Olson, K.
Anderson, R.	Dempsey	Hufnagle	Limmer	Omann
Anderson, R. H.	Dille	Hugoson	Long	Onnen
Battaglia	Dorn	Jacobs	Loureys	Orenstein
Bauerly	Erhardt	Jaros	Lynch	Orfield
Beard	Farrell	Jefferson	Macklin	Osthoff
Beginch	Frederick	Jennings	Mariani	Ostrom
Bertram	Frerichs	Johnson, A.	Marsh	Ozment
Bettermann	Garcia	Johnson, R.	McGuire	Pauly
Bishop	Girard	Johnson, V.	McPherson	Pellow
Blatz	Goodno	Kahn	Milbert	Pelowski
Bodahl	Greenfield	Kelso	Morrison	Peterson
Boo	Gruenes	Kinkel	Murphy	Pugh
Brown	Gutknecht	Knickerbocker	Nelson, K.	Rice
Carlson	Hanson	Koppndrayer	Nelson, S.	Rodosovich
Clark	Hartle	Krunkie	Newinski	Rukavina
Cooper	Hasskamp	Krueger	Ogren	Runbeck
Dauner	Haukoos	Lasley	Olsen, S.	Schafer

Scheid	Smith	Swenson	Vellenga	Welle
Schreiber	Solberg	Thompson	Wagenius	Wenzel
Seaberg	Sparby	Tompkins	Waltman	Winter
Segal	Stanius	Trimble	Weaver	Spk. Vanasek
Simoneau	Steenisma	Uphus	Wejman	
Skoglund	Swiggum	Valento	Welker	

Long 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.

Welker; Stanius; Tompkins; Smith; Johnson, V.; Schafer; Frerichs; Davids; Heir; Blatz; Olsen, S.; Krinkie; Limmer and Bettermann moved to amend House Resolution No. 3, as follows:

Page 1, line 6, delete "\$15,339,055,000" and insert "\$14,781,055,000"

Page 1, line 10, delete "\$250,730,000" and insert "\$400,000,000"

Page 1, line 15, delete "\$15,589,785,000" and insert "\$15,181,055,000"

A roll call was requested and properly seconded.

The question was taken on the Welker et al amendment and the roll was called.

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

There were 50 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Morrison	Seaberg
Anderson, R. H.	Girard	Koppendrayer	Newinski	Smith
Bettermann	Goodno	Krinkie	Olsen, S.	Stanius
Blatz	Gruenes	Lepzik	Omann	Swenson
Boo	Gutknecht	Limmer	Onnen	Tompkins
Davids	Haukoos	Lynch	Osthoff	Uphus
Dempsey	Heir	Macklin	Pellow	Valento
Dille	Hufnagle	Marsh	Schafer	Waltman
Erhardt	Hugoson	McPherson	Scheid	Weaver
Frederick	Johnson, V.	Milbert	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Begich	Carruthers	Dorn	Hasskamp
Anderson, R.	Bertram	Clark	Farrell	Hausman
Battaglia	Bodahl	Cooper	Greenfield	Jacobs
Bauerly	Brown	Dauner	Hanson	Jaros
Beard	Carlson	Dawkins	Hartle	Jefferson

Jennings	Mariani	Orfield	Runbeck	Tunheim
Johnson, A.	McEachern	Ostrom	Sarna	Vellenga
Johnson, R.	McGuire	Ozment	Segal	Wagenius
Kahn	Murphy	Pauly	Simoneau	Wejman
Kelso	Nelson, K.	Pelowski	Skoglund	Welle
Kinkel	Nelson, S.	Peterson	Solberg	Wenzel
Krueger	O'Connor	Pugh	Sparby	Spk. Vanasek
Lasley	Ogren	Rest	Steensma	
Lieder	Olson, E.	Rice	Sviggum	
Long	Olson, K.	Rodosovich	Thompson	
Loureys	Orenstein	Rukavina	Trimble	

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

Schreiber; Dempsey; Olsen, S.; Schafer; Onnen; Seaberg; Uphus; Frerichs; Ozment and Smith moved to amend House Resolution No. 3, as follows:

Page 1, line 6, delete "\$15,339,055,000" and insert "\$14,967,055,000"

Page 1, line 10, delete "\$250,730,000" and insert "\$400,000,000"

Page 1, line 15, delete "\$15,589,785,000" and insert "\$15,367,055,000"

A roll call was requested and properly seconded.

The question was taken on the Schreiber et al amendment and the roll was called.

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

There were 60 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Koppendrayer	Olsen, S.	Seaberg
Anderson, R. H.	Goodno	Krinkie	Olson, K.	Smith
Bettermann	Gruenes	Leppik	Omann	Stanius
Bishop	Gutknecht	Limmer	Onnen	Sviggum
Blatz	Hartle	Loureys	Osthoff	Swenson
Boo	Haukoos	Lynch	Ozment	Tompkins
Davids	Heir	Macklin	Pauly	Uphus
Dempsey	Hufnagle	Marsh	Pellow	Valento
Dille	Hugoson	McPherson	Runbeck	Waltman
Erhardt	Jennings	Milbert	Schafer	Weaver
Frederick	Johnson, V.	Morrison	Scheid	Welker
Frerichs	Knickerbocker	Newinski	Schreiber	Wenzel

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	O'Connor	Sarna
Anderson, R.	Dorn	Kelso	Ogren	Segal
Battaglia	Farrell	Kinkel	Olson, E.	Simoneau
Bauerly	Garcia	Krueger	Orenstein	Skoglund
Beard	Greenfield	Lasley	Orfield	Solberg
Begin	Hanson	Lieder	Ostrom	Sparby
Bertram	Hasskamp	Long	Pelowski	Thompson
Bodahl	Hausman	Mariani	Peterson	Trimble
Brown	Jacobs	McEachern	Pugh	Tunheim
Carlson	Jaros	McGuire	Reding	Vellenga
Carruthers	Jefferson	Munger	Rest	Wagenius
Clark	Johnson, A.	Murphy	Rice	Wejman
Cooper	Johnson, R.	Nelson, K.	Rodosovich	Welle
Dauner	Kahn	Nelson, S.	Rukavina	Spk. Vanasek

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

Morrison; Olsen, S.; Limmer; Onnen; Dempsey; Abrams; Leppik; Svingum; Blatz and Newinski moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$15,000,000 must be for battered women's shelters and services."

A roll call was requested and properly seconded.

The question was taken on the Morrison et al amendment and the roll was called.

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

There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Newinski	Seaberg
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Smith
Bettermann	Goodno	Koppendrayer	Olson, K.	Stanius
Bishop	Gruenes	Krinkie	Omann	Svingum
Blatz	Gutknecht	Leppik	Onnen	Swenson
Boo	Hartle	Limmer	Ozment	Tompkins
Davids	Haukoos	Lynch	Pauly	Uphus
Dempsey	Heir	Macklin	Pellow	Valento
Dille	Hufnagle	Marsh	Runbeck	Waltman
Erhardt	Hugoson	McPherson	Schafer	Weaver
Frederick	Johnson, V.	Morrison	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Bertram	Cooper	Greenfield	Jaros
Anderson, R.	Bodahl	Dauner	Hanson	Jefferson
Battaglia	Brown	Dawkins	Hasskamp	Jennings
Bauerly	Carlson	Dorn	Hausman	Johnson, A.
Beard	Carruthers	Farrell	Jacobs	Johnson, R.
Begin	Clark	Garcia	Janezich	Kahn

Kelso	Munger	Ostrom	Scheid	Vellenga
Krueger	Murphy	Pelowski	Segal	Wagenius
Lasley	Nelson, K.	Peterson	Simoneau	Wejcmar
Lieder	Nelson, S.	Pugh	Skoglund	Welle
Long	O'Connor	Reding	Solberg	Wenzel
Lourey	Ogren	Rest	Sparby	Winter
Mariani	Olson, E.	Rice	Steenisma	Spk. Vanasek
McEachern	Orenstein	Rodosovich	Thompson	
McGuire	Orfield	Rukavina	Trimble	
Milbert	Osthoff	Sarna	Tunheim	

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

Valento, Davids, Goodno, Smith, Newinski, Waltman, Swenson, Bettermann and Hufnagle moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*"Be It Further Resolved* that if short-term borrowing is necessary during fiscal years 1992 and 1993, the appropriation for expenses of the legislature must be reduced by the amount of short-term borrowing interest costs and transferred to the commissioner of finance for payment of those costs."

A roll call was requested and properly seconded.

The question was taken on the Valento et al amendment and the roll was called.

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

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Newinski	Smith
Anderson, R. H.	Girard	Koppendrayer	Olsen, S.	Stanius
Bettermann	Goodno	Krinkie	Omann	Sviggum
Blatz	Gruenes	Leppik	Onnen	Swenson
Boo	Gutknecht	Limmer	Ozment	Tompkins
Dauner	Hartle	Lynch	Pauly	Uphus
Davids	Haukoos	Macklin	Pellow	Valento
Dempsey	Heir	Marsh	Runbeck	Waltman
Dille	Hufnagle	McPherson	Schafer	Weaver
Erhardt	Hugoson	Morrison	Schreiber	Welker
Frederick	Johnson, V.	Nelson, S.	Seaberg	

Those who voted in the negative were:

Anderson, I.	Bauerly	Bertram	Brown	Clark
Anderson, R.	Beard	Bishop	Carlson	Cooper
Battaglia	Begich	Bodahl	Carruthers	Dawkins

Dorn	Kahn	Munger	Pugh	Trimble
Farrell	Kalis	Murphy	Reding	Tunheim
Garcia	Kelso	Nelson, K.	Rest	Vellenga
Greenfield	Kinkel	O'Connor	Rodosovich	Wagenius
Hanson	Krueger	Ogren	Rukavina	Wejman
Hasskamp	Lasley	Olson, E.	Sarna	Welle
Hausman	Lieder	Olson, K.	Scheid	Wenzel
Jacobs	Long	Orenstein	Segal	Winter
Janezich	Loureys	Orfield	Simoneau	Spk. Vanasek
Jaros	Mariani	Osthoff	Skoglund	
Jefferson	McEachern	Ostrom	Solberg	
Jennings	McGuire	Pelowski	Sparby	
Johnson, A.	Milbert	Peterson	Thompson	

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

Macklin; Olsen, S.; Limmer; Onnen; Heir; Uphus; Pellow; Swenson; Newinski; Bettermann; Goodno; Girard; Hugoson; Seaberg; Runbeck; Smith; Hartle and McPherson moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$4,000,000 must be to provide for legal services to women filing for orders for protection."

A roll call was requested and properly seconded.

The question was taken on the Macklin et al amendment and the roll was called.

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

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Newinski	Smith
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Stanius
Bettermann	Goodno	Koppendrayer	Omann	Sviggum
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Ozment	Tompkins
Boo	Hanson	Limmer	Pauly	Uphus
Davids	Hartle	Lynch	Pellow	Valento
Dempsey	Haukoos	Macklin	Runbeck	Waltman
Dille	Heir	Marsh	Schafer	Weaver
Erhardt	Hufnagle	McPherson	Schreiber	Welker
Frederick	Hugoson	Morrison	Seaberg	

Those who voted in the negative were:

Anderson, I.	Beard	Brown	Cooper	Farrell
Anderson, R.	Begich	Carlson	Dauner	Garcia
Battaglia	Bertram	Carruthers	Dawkins	Greenfield
Bauerly	Bodahl	Clark	Dorn	Hasskamp

Hausman	Lasley	O'Connor	Rest	Tunheim
Jacobs	Lieder	Ogren	Rodosovich	Vellenga
Janezich	Long	Olson, E.	Rukavina	Wagenius
Jaros	Loureys	Olson, K.	Sarna	Wejcmans
Jefferson	Mariani	Orenstein	Scheid	Welle
Jennings	McEachern	Orfield	Segal	Wenzel
Johnson, A.	McGuire	Osthoff	Simoneau	Winter
Kahn	Milbert	Ostrom	Skoglund	Spk. Vanasek
Kalis	Munger	Pelowski	Solberg	
Kelso	Murphy	Peterson	Sparby	
Kinkel	Nelson, K.	Pugh	Thompson	
Krueger	Nelson, S.	Reding	Trimble	

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

Pauly; Johnson, V.; Runbeck; Swenson; Newinski; Limmer; Morrison; Bettermann and Gutknecht moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$15,000,000 must be used for the supplemental food program for women, infants, and children (W.I.C.)."

A roll call was requested and properly seconded.

The question was taken on the Pauly et al amendment and the roll was called.

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

There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Stanius
Anderson, R.	Girard	Koppenderay	Omann	Sviggum
Anderson, R. H.	Goodno	Krinkie	Onnen	Swenson
Bettermann	Gruenes	Leppik	Ozment	Thompson
Blatz	Gutknecht	Limmer	Pauly	Tompkins
Boo	Hartle	Lynch	Pellow	Uphus
Davids	Haukoos	Macklin	Runbeck	Valento
Dempsey	Heir	Marsh	Schafer	Waltman
Dille	Hufnagle	McPherson	Schreiber	Weaver
Erhardt	Hugoson	Morrison	Seaberg	Welker
Frederick	Johnson, V.	Newinski	Smith	

Those who voted in the negative were:

Anderson, I.	Brown	Dorn	Jacobs	Kahn
Battaglia	Carlson	Farrell	Janezich	Kalis
Bauerly	Carruthers	Garcia	Jaros	Kelso
Beard	Clark	Greenfield	Jefferson	Kinkel
Begin	Cooper	Hanson	Jennings	Krueger
Bertram	Dauner	Hasskamp	Johnson, A.	Lasley
Bodahl	Dawkins	Hausman	Johnson, R.	Lieder

Long	Nelson, S.	Pelowski	Scheid	Wagenius
Loureys	O'Connor	Peterson	Segal	Wejcmans
Mariani	Ogren	Pugh	Simoneau	Welle
McEachern	Olson, E.	Reding	Skoglund	Wenzel
McGuire	Olson, K.	Rest	Solberg	Winter
Milbert	Orenstein	Rice	Sparby	Spk. Vanasek
Munger	Orfield	Rodosovich	Trimble	
Murphy	Osthoff	Rukavina	Tunheim	
Nelson, K.	Ostrom	Sarna	Vellenga	

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

Abrams; Valentino; Olsen, S.; Blatz; Knickerbocker; Morrison; Macklin; Limmer; Boo; Pellow; Goodno; Dempsey; Swenson; Smith; Hufnagle; Schafer; Waltman; Lynch; Frerichs; Pauly; Runbeck; Gutknecht; Stanisius; Haukoos; McPherson and Leppik moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*“Be It Further Resolved* that the valuation of residential homesteads for property tax purposes must be frozen for taxes payable in 1992, and that the valuation for taxes payable thereafter must be based on a percentage of the purchase price of the property.”

A roll call was requested and properly seconded.

The question was taken on the Abrams et al amendment and the roll was called.

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

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Olsen, S.	Sviggum
Anderson, R.	Goodno	Koppendrayer	Omann	Swenson
Anderson, R. H.	Gruenes	Krinkie	Onnen	Thompson
Bettermann	Gutknecht	Leppik	Ozment	Tompkins
Blatz	Hartle	Limmer	Pauly	Uphus
Boo	Hasskamp	Lynch	Pellow	Valento
Davids	Haukoos	Macklin	Runbeck	Waltman
Dempsey	Heir	McGuire	Schafer	Weaver
Dille	Hufnagle	McPherson	Seaberg	Welker
Erhardt	Jefferson	Morrison	Smith	Wenzel
Frederick	Johnson, V.	Newinski	Stanisius	

Those who voted in the negative were:

Anderson, I.	Beard	Bishop	Carlson	Cooper
Battaglia	Begich	Bodahl	Carruthers	Dauner
Bauerly	Bertram	Brown	Clark	Dawkins

Dorn	Johnson, R.	Murphy	Pugh	Steenisma
Farrell	Kahn	Nelson, K.	Reding	Trimble
Garcia	Kalis	Nelson, S.	Rest	Tunheim
Girard	Kelso	O'Connor	Rice	Vellenga
Greenfield	Kinkel	Ogren	Rodosovich	Wagenius
Hanson	Krueger	Olson, E.	Rukavina	Wejcmans
Hausman	Lasley	Olson, K.	Sarna	Welle
Hugoson	Lieder	Orenstein	Scheid	Winter
Jacobs	Loureys	Orfield	Segal	Spk. Vanasek
Janezich	Mariani	Osthoff	Simoneau	
Jaros	Marsh	Ostrom	Skoglund	
Jennings	McEachern	Pelowski	Solberg	
Johnson, A.	Munger	Peterson	Sparby	

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

Valento, Schreiber, Pellow, Newinski, Swenson, Bettermann, Runbeck and Anderson, R. H., moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*“Be It Further Resolved that if a law is enacted to impose new state taxes or increase the rates or bases of state taxes, except for a law conforming to federal income tax changes, the proceeds of the taxes or the increase in the proceeds of the taxes must be used solely to provide a targeted homestead credit paid directly to homeowners, and that the taxes or increase in taxes, and the targeted property tax relief must sunset at the end of fiscal year 1993.”*

A roll call was requested and properly seconded.

The question was taken on the Valento et al amendment and the roll was called.

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

There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Leppik	Ozment	Tompkins
Anderson, R.	Goodno	Limmer	Pauly	Upitus
Anderson, R. H.	Gruenes	Lynch	Pellow	Valento
Bettermann	Hartle	Macklin	Runbeck	Waltman
Blatz	Haukoos	Marsh	Schafer	Weaver
Boo	Heir	McPherson	Schreiber	Welker
Davids	Hufnagle	Milbert	Seaberg	
Dempsey	Hugoson	Morrison	Smith	
Dille	Johnson, V.	Newinski	Stanisius	
Erhardt	Knickerbocker	Olsen, S.	Sviggum	
Frederick	Koppendrayer	Omann	Swenson	
Frerichs	Krinkie	Onnen	Thompson	

Those who voted in the negative were:

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

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

Stanius; Anderson, R. H.; Goodno; Pellow; Johnson, V.; Waltman; Ozment; Smith; Swenson; Heir; Hugoson; Uphus; Morrison; Krinkie; Hufnagle; Runbeck; Limmer; Newinski; Valento; Girard; Koppendrayer; Blatz; Leppik; Weaver; Olsen, S.; Pauly; Lynch; Davids; Erhardt; Macklin; Abrams and Dempsey moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$30,000,000 must be used for the Reinvest in Minnesota program."

A roll call was requested and properly seconded.

The question was taken on the Stanius et al amendment and the roll was called.

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

There were 58 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Leppik	Omann	Solberg
Anderson, R. H.	Gutknecht	Limmer	Onnen	Stanius
Bettermann	Hartle	Loureys	Osthoff	Sviggum
Blatz	Haukoos	Lynch	Ozment	Swenson
Boo	Hufnagle	Macklin	Pauly	Tompkins
Davids	Hugoson	Marsh	Pellow	Uphus
Dempsey	Johnson, R.	McPherson	Pugh	Valento
Erhardt	Johnson, V.	Milbert	Runbeck	Waltman
Frederick	Kelso	Morrison	Schafer	Weaver
Frerichs	Kinkel	Newinski	Schreiber	Welker
Girard	Koppendrayer	Olsen, S.	Seaberg	
Goodno	Krinkie	Olson, K.	Smith	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	Orenstein	Sparby
Anderson, R.	Dille	Knickerbocker	Orfield	Steenisma
Battaglia	Dorn	Krueger	Ostrom	Thompson
Bauerly	Farrell	Lasley	Pelowski	Trimble
Beard	Garcia	Lieder	Peterson	Tunheim
Begich	Greenfield	Long	Reding	Vellenga
Bertram	Hanson	Mariani	Rest	Wagenius
Bishop	Hausman	McEachern	Rice	Wejman
Bodahl	Heir	Munger	Rodosovich	Welle
Brown	Jacobs	Murphy	Rukavina	Wenzel
Carlson	Janezich	Nelson, K.	Sarna	Winter
Carruthers	Jaros	Nelson, S.	Scheid	Spk. Vanasek
Clark	Jefferson	O'Connor	Segal	
Cooper	Jennings	Ogren	Simoneau	
Dauner	Johnson, A.	Olson, E.	Skoglund	

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

Ozment; Stanius; Hartle; Waltman; Weaver; Pellow; Tompkins; Leppik; Schafer; Krinkie; Swenson; Dempsey; Welker; Omann; Svigum; Johnson, V.; Davids; Erhardt; Morrison; Schreiber; Olsen, S.; Onnen; Heir; Anderson, R. H.; Seaberg; Gruenes; Koppendrayer; Uphus; Frerichs; Limmer; Marsh; Macklin; Abrams; Pauly; Boo; Valento; Smith; Frederick; Blatz; Knickerbocker; Hufnagle; Lynch; Haukoos; Goodno; Newinski; Girard; Runbeck; Hugoson; McPherson; Gutknecht and Bettermann moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*“Be It Further Resolved that no less than 33 and one-third percent of expenditures, including school tax credits, from the general fund for fiscal years 1992 and 1993 shall be for education finance at the levels K to 12.”*

A roll call was requested and properly seconded.

The question was taken on the Ozment et al amendment and the roll was called.

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

There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Dempsey	Frerichs	Gutknecht
Anderson, R.	Blatz	Dille	Girard	Hartle
Anderson, R. H.	Boo	Erhardt	Goodno	Haukoos
Bettermann	Davids	Frederick	Gruenes	Heir

Hufnagle	Lynch	Omann	Seaberg	Valento
Hugoson	Macklin	Onnen	Smith	Waltman
Johnson, V.	Marsh	Ozment	Stanius	Weaver
Knickerbocker	McPherson	Pauly	Sviggum	Welker
Koppendrayer	Morrison	Pellow	Swenson	
Krunkie	Newinski	Runbeck	Thompson	
Leppik	Olsen, S.	Schafer	Tompkins	
Limmer	Olson, K.	Schreiber	Uphus	

Those who voted in the negative were:

Anderson, I.	Garcia	Krueger	Orfield	Skoglund
Battaglia	Greenfield	Lasley	Osthoff	Solberg
Bauerly	Hanson	Lieder	Ostrom	Sparby
Beard	Hausman	Long	Pelowski	Steenisma
Begin	Jacobs	Loureys	Peterson	Trimble
Bertram	Janezich	Marijani	Pugh	Tunheim
Bodahl	Jaros	McEachern	Reding	Vellenga
Brown	Jefferson	Munger	Rest	Wagenius
Carlson	Jennings	Murphy	Rice	Wejcmann
Carruthers	Johnson, A.	Nelson, K.	Rodosovich	Wenzel
Clark	Johnson, R.	Nelson, S.	Rukavina	Winter
Dauner	Kahn	O'Connor	Sarna	Spk. Vanasek
Dawkins	Kalis	Ogren	Scheid	
Dorn	Kelso	Olson, E.	Segal	
Farrell	Kinkel	Orenstein	Simoneau	

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

Gutknecht, McPherson, Sviggum, Omann, Hugoson, Onnen, Pellow, Stanius, Weaver, Bettermann, Waltman and Girard moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*"Be It Further Resolved* that of the \$32,000,000 designated for the workers' compensation special fund, \$22,000,000 must be allocated to enhance wages for direct care workers at intermediate care facilities for the mentally retarded, development achievement centers, semi-independent living services, and waivered services."

A roll call was requested and properly seconded.

The question was taken on the Gutknecht et al amendment and the roll was called.

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

There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Kinkel	Newinski	Smith
Anderson, R. H.	Goodno	Knickerbocker	Olsen, S.	Stanius
Bettermann	Gruenes	Koppendrayer	Olson, K.	Sviggum
Bishop	Gutknecht	Krinkie	Omann	Swenson
Blatz	Hartle	Leppik	Onnen	Tompkins
Boo	Haukoos	Limmer	Ozment	Uphus
Davids	Heir	Lynch	Pauly	Valento
Dempsey	Hufnagle	Macklin	Pellow	Waltman
Dille	Hugoson	Marsh	Runbeck	Weaver
Erhardt	Jennings	McPherson	Schafer	Welker
Frederick	Johnson, R.	Morrison	Schreiber	
Frerichs	Johnson, V.	Nelson, S.	Seaberg	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kalis	Ogren	Segal
Anderson, R.	Dorn	Kelso	Olson, E.	Simoneau
Battaglia	Farrell	Krueger	Orenstein	Skoglund
Bauerly	Garcia	Lasley	Orfield	Sparby
Beard	Greenfield	Lieder	Ostrom	Steenisma
Begich	Hanson	Long	Pelowski	Thompson
Bertram	Hasskamp	Lourey	Peterson	Trimble
Bodahl	Hausman	Mariani	Pugh	Tunheim
Brown	Jacobs	McEachern	Rest	Vellenga
Carlson	Janezich	McGuire	Rice	Wagenius
Carruthers	Jaros	Munger	Rodosovich	Wejcmans
Clark	Jefferson	Murphy	Rukavina	Wenzel
Cooper	Johnson, A.	Nelson, K.	Sarna	Winter
Dauner	Kahn	O'Connor	Scheid	Spk. Vanasek

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

Olsen, S.; Tompkins; Lynch; Blatz; Swenson; Ozment; Davids; McPherson; Leppik; Schafer; Heir; Bettermann; Hartle and Frederick moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$70,000,000 must be spent on special education."

A roll call was requested and properly seconded.

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

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

There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Davids	Frerichs	Hartle	Johnson, R.
Anderson, R. H.	Dempsey	Girard	Haukoos	Johnson, V.
Bettermann	Dille	Goodno	Heir	Knickerbocker
Blatz	Erhardt	Gruenes	Hufnagle	Koppendrayer
Boo	Frederick	Gutknecht	Hugoson	Krinkie

Leppik	Morrison	Ozment	Seaberg	Uphus
Limmer	Newinski	Pauly	Smith	Valento
Lynch	Olsen, S.	Pellow	Stanis	Waltman
Macklin	O. K.	Runbeck	Sviggum	Weaver
Marsh	Omann	Schafer	Swenson	Welker
McPherson	Onnen	Schreiber	Tompkins	

Those who voted in the negative were:

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

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

Frerichs; Tompkins; Davids; Heir; Johnson, V.; Dempsey; Swenson; Uphus; Olsen, S.; Sviggum; Anderson, R. H.; Hufnagle; Newinski; Hartle; Smith; Goodno; McPherson; Dille; Haukoos; Frederick and Girard moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$40,000,000 must be for upgrading and maintaining the state park system."

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called.

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

There were 45 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Heir	Macklin	Pauly
Anderson, R. H.	Frederick	Hufnagle	Marsh	Runbeck
Bettermann	Frerichs	Hugoson	McPherson	Schafer
Blatz	Girard	Johnson, V.	Newinski	Smith
Boo	Goodno	Koppendrayer	Olsen, S.	Stanis
Davids	Gutknecht	Leppik	Omann	Sviggum
Dempsey	Hartle	Limmer	Onnen	Swenson
Dille	Haukoos	Lynch	Ozment	Tompkins

Uphus

Valento

Waltman

Weaver

Welker

Those who voted in the negative were:

Anderson, I.	Farrell	Krinkie	Orenstein	Seaberg
Anderson, R.	Garcia	Krueger	Orfield	Segal
Battaglia	Greenfield	Lasley	Osthoff	Simoneau
Bauerly	Hanson	Lieder	Ostrom	Skoglund
Beard	Hausman	Long	Pellow	Solberg
Begich	Jacobs	Loureys	Pelowski	Sparby
Bertram	Jaros	Mariani	Peterson	Steenisma
Bodahl	Jefferson	McEachern	Pugh	Thompson
Brown	Jennings	McGuire	Reding	Trimble
Carlson	Johnson, A.	Milbert	Rest	Tunheim
Carruthers	Johnson, R.	Munger	Rice	Vellenga
Clark	Kahn	Murphy	Rodosovich	Wagenius
Cooper	Kalis	Nelson, S.	Rukavina	Wejman
Dauner	Kelso	O'Connor	Sarna	Wenzel
Dawkins	Kinkel	Olson, E.	Scheid	Winter
Dorn	Knickerbocker	Olson, K.	Schreiber	Spk. Vanasek

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

Uphus, Krinkie, Koppendrayer, Goodno, Smith and Newinski moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*“Be It Further Resolved* that salaries for state legislators must be reduced by ten percent and the resulting savings used to increase targeted property tax relief paid directly to homeowners.”

A roll call was requested and properly seconded.

The question was taken on the Uphus et al amendment and the roll was called.

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

There were 54 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Frerichs	Jennings	Olsen, S.	Smith
Bauerly	Garcia	Johnson, V.	Omann	Stanius
Bertram	Girard	Koppendrayer	Onnen	Sviggum
Bettermann	Goodno	Krinkie	Ozment	Swenson
Blatz	Gruenes	Leppik	Pauly	Tompkins
Boo	Hartle	Limmer	Pellow	Uphus
Davids	Hasskamp	Lynch	Pelowski	Valento
Dempsey	Haukoos	Macklin	Runbeck	Waltman
Dille	Heir	Marsh	Schafer	Weaver
Erhardt	Hufnagle	McPherson	Schreiber	Welker
Frederick	Hugoson	Morrison	Seaberg	

Those who voted in the negative were:

Abrams	Dorn	Krueger	Orenstein	Skoglund
Anderson, I.	Farrell	Lasley	Orfield	Solberg
Anderson, R.	Greenfield	Lieder	Osthoff	Sparby
Battaglia	Hanson	Long	Ostrom	Steenisma
Beard	Hausman	Loureys	Peterson	Thompson
Begich	Jacobs	Mariani	Pugh	Trimble
Bishop	Janezich	McEachern	Reding	Tunheim
Bodahl	Jefferson	Munger	Rest	Vellenga
Brown	Johnson, A.	Murphy	Rice	Wagenius
Carlson	Johnson, R.	Nelson, K.	Rodosovich	Wejman
Carruthers	Kahn	Nelson, S.	Rukavina	Welle
Clark	Kalis	O'Connor	Sarna	Wenzel
Cooper	Kelso	Ogren	Scheid	Winter
Dauner	Kinkel	Olson, E.	Segal	Spk. Vanasek
Dawkins	Knickerbocker	Olson, K.	Simoneau	

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

Frederick, Hufnagle, Waltman, Hugoson, Girard, Koppandrayer, Newinski and Swenson moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$20,000,000 must be for conservation easements payments to landowners for wetlands protection."

A roll call was requested and properly seconded.

The question was taken on the Frederick et al amendment and the roll was called.

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

There were 52 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Koppandrayer	Omann	Swenson
Anderson, R.	Girard	Krinkie	Onnen	Thompson
Anderson, R. H.	Goodno	Leppik	Pauly	Tompkins
Bettermann	Gutknecht	Limmer	Fellow	Uphus
Blatz	Hartle	Lynch	Runbeck	Valento
Boo	Haukoos	Macklin	Schafer	Waltman
Davids	Heir	Marsh	Schreiber	Weaver
Dempsey	Hufnagle	McPherson	Seaberg	Welker
Dille	Hugoson	Morrison	Smith	
Erhardt	Johnson, V.	Newinski	Stanisius	
Frederick	Knickerbocker	Olsen, S.	Sviggum	

Those who voted in the negative were:

Anderson, I. Battaglia Bauerly Beard Begich

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

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

Frerichs; Johnson, V.; Waltman; Dempsey; Hugoson; Hartle; Davids and Schafer moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount \$10,000,000 must be for ethanol production subsidies."

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called.

Pursuant to Minnesota Statutes, section 10A.07, Girard and Uphus requested that they be excused from voting on the Frerichs et al amendment to House Resolution No. 3. The request was granted by the Speaker.

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

There were 51 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frerichs	Koppendrayer	Onnen	Swenson
Anderson, R. H.	Garcia	Limmer	Ozment	Thompson
Bettermann	Goodno	Lynch	Pauly	Tompkins
Blatz	Gruenes	Macklin	Pellow	Valento
Boo	Gutknecht	Marsh	Runbeck	Waltman
Dauner	Hartle	McPherson	Schafer	Weaver
Davids	Haukoos	Morrison	Seaberg	Welker
Dempsey	Heir	Nelson, S.	Smith	
Dille	Hufnagle	Newinski	Stanius	
Erhardt	Hugoson	Olson, K.	Steenisma	
Frederick	Johnson, V.	Omann	Sviggum	

Those who voted in the negative were:

Abrams	Farrell	Knickerbocker	Olsen, S.	Segal
Anderson, I.	Greenfield	Krunkie	Olson, E.	Simoneau
Battaglia	Hanson	Krueger	Orenstein	Skoglund
Bauerly	Hasskamp	Lasley	Orfield	Solberg
Beard	Hausman	Lieder	Osthoff	Sparby
Begich	Jacobs	Long	Ostrom	Trimble
Bertram	Janezich	Loureys	Pelowski	Tunheim
Bishop	Jaros	Marijani	Peterson	Vellenga
Bodahl	Jefferson	McEachern	Pugh	Wagenius
Brown	Jennings	McGuire	Reding	Wejman
Carlson	Johnson, A.	Milbert	Rest	Welle
Carruthers	Johnson, R.	Munger	Rice	Wenzel
Clark	Kahn	Murphy	Rodosovich	Winter
Cooper	Kalis	Nelson, K.	Rukavina	Spk. Vanasek
Dawkins	Kelso	O'Connor	Sarna	
Dorn	Kinkel	Ogren	Scheid	

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

Koppendrayer, Siggum, Frederick, Newinski, Haukoos, Hugoson, Weaver, Bettermann, Girard, McPherson and Heir moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount, \$100,000,000 must be used to bring every school district up to the statewide average general education funding per pupil unit."

A roll call was requested and properly seconded.

The question was taken on the Koppendrayer et al amendment and the roll was called.

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

There were 45 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Girard	Johnson, V.	Omann	Siggum
Anderson, R. H.	Goodno	Koppendrayer	Onnen	Swenson
Bettermann	Gruenes	Limmer	Ozment	Thompson
Davids	Gutknecht	Lynch	Pellow	Tompkins
Dempsey	Hartle	Macklin	Runbeck	Uphus
Dille	Haukoos	Marsh	Schafer	Valento
Erhardt	Heir	McPherson	Schreiber	Waltman
Frederick	Hugoson	Nelson, S.	Smith	Weaver
Frerichs	Johnson, R.	Newinski	Stanus	Welker

Those who voted in the negative were:

Abrams	Begich	Carlson	Dorn	Hasskamp
Anderson, I.	Bertram	Carruthers	Farrell	Hausman
Battaglia	Bodahl	Clark	Garcia	Hufnagle
Bauerly	Boo	Dauner	Greenfield	Jacobs
Beard	Brown	Dawkins	Hanson	Janezich

Jaros	Leppik	O'Connor	Pugh	Solberg
Jefferson	Lieder	Ogren	Reding	Sparby
Jennings	Long	Olsen, S.	Rest	Steensma
Johnson, A.	Loureys	Olson, E.	Rice	Trimble
Kahn	Mariani	Olson, K.	Rodosovich	Tunheim
Kalis	McEachern	Orenstein	Rukavina	Vellenga
Kelso	McGuire	Orfield	Sarna	Wagenius
Kinkel	Milbert	Osthoff	Scheid	Wejman
Knickerbocker	Morrison	Ostrom	Seaberg	Welle
Krinkie	Munger	Pauly	Segal	Wenzel
Krueger	Murphy	Pelowski	Simoneau	Winter
Lasley	Nelson, K.	Peterson	Skoglund	Spk. Vanasek

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

Bettermann; Anderson, R. H.; Heir; Onnen; Lynch; Waltman; Johnson, V.; Davids; Schafer; Pellow; Gutknecht; Goodno; Seaberg and Leppik moved to amend House Resolution No. 3, as follows:

Page 1, line 8, after "5.10." insert "Of this amount, \$10,000,000 must be to assist private nursing homes to improve employee salaries and benefits, hire additional staff, and improve cash flow problems."

A roll call was requested and properly seconded.

The question was taken on the Bettermann et al amendment and the roll was called.

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

There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kinkel	Olsen, S.	Swenson
Anderson, R.	Garcia	Knickerbocker	Omann	Thompson
Anderson, R. H.	Girard	Koppendrayer	Onnen	Tompkins
Bettermann	Goodno	Krinkie	Ozment	Uphus
Bishop	Gruenes	Leppik	Pauly	Valento
Blatz	Gutknecht	Limmer	Pellow	Waltman
Boo	Hartle	Lynch	Runbeck	Weaver
Dauner	Haukoos	Macklin	Schafer	Welker
Davids	Heir	Marsh	Schreiber	Winter
Dempsey	Hufnagle	McPherson	Seaberg	
Dille	Hugoson	Morrison	Smith	
Erhardt	Johnson, R.	Nelson, S.	Stanisius	
Frederick	Johnson, V.	Newinski	Swiggum	

Those who voted in the negative were:

Anderson, I.	Begich	Brown	Clark	Dorn
Battaglia	Bertram	Carlson	Cooper	Farrell
Beard	Bodahl	Carruthers	Dawkins	Greenfield

Hanson	Krueger	Nelson, K.	Pugh	Solberg
Hausman	Lasley	O'Connor	Reding	Sparby
Jacobs	Lieder	Ogren	Rest	Steenisma
Janezich	Long	Olson, E.	Rice	Trimble
Jaros	Lourey	Olson, K.	Rodosovich	Tunheim
Jefferson	Mariani	Orenstein	Rukavina	Vellenga
Jennings	McEachern	Orfield	Sarna	Wagenius
Johnson, A.	McGuire	Osthoff	Scheid	Wejman
Kahn	Milbert	Ostrom	Segal	Welle
Kalis	Munger	Pelowski	Simoneau	Wenzel
Kelso	Murphy	Peterson	Skoglund	Spk. Vanasek

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

Leppik; Olsen, S.; Limmer; Onnen; Frerichs; Tompkins; Stanius; Ozment; Blatz; Heir; Morrison; Lynch; Davids; Newinski; Runbeck; Koppendrayer; Weaver; Frederick; McPherson and Bettermann moved to amend House Resolution No. 3, as follows:

Page 2, after line 3, insert:

*"Be It Further Resolved* that of the \$32,000,000 designated for the workers' compensation special fund, \$15,000,000 must be used for battered women's services and \$5,000,000 for the head start program."

A roll call was requested and properly seconded.

The question was taken on the Leppik et al amendment and the roll was called.

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

There were 55 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Morrison	Seaberg
Anderson, R. H.	Girard	Kinkel	Newinski	Smith
Bettermann	Goodno	Knickerbocker	Olsen, S.	Stanius
Blatz	Gruenes	Koppendrayer	Omann	Sviggum
Boo	Gutknecht	Krinkie	Onnen	Swenson
Dauner	Hartle	Lepik	Ozment	Tompkins
Davids	Haukoos	Limmer	Pauly	Uphus
Dempsey	Heir	Lynch	Pellow	Valento
Dille	Hufnagle	Macklin	Runbeck	Waltman
Erhardt	Hugoson	Marsh	Schafer	Weaver
Frederick	Jennings	McPherson	Schreiber	Welker

Those who voted in the negative were:

Anderson, I.	Battaglia	Begich	Bodahl	Carlson
Anderson, R.	Beard	Bertram	Brown	Carruthers

Cooper	Kahn	Murphy	Pugh	Steenisma
Dawkins	Kalis	Nelson, K.	Reding	Thompson
Dorn	Kelso	Nelson, S.	Rest	Trimble
Farrell	Krueger	O'Connor	Rice	Tunheim
Garcia	Lasley	Ogren	Rodosovich	Vellenga
Greenfield	Lieder	Olson, E.	Rukavina	Wagenius
Hanson	Long	Olson, K.	Sarna	Wejman
Hausman	Loureys	Orenstein	Scheid	Welle
Jacobs	Mariani	Orfield	Segal	Wenzel
Janezich	McEachern	Osthoff	Simoneau	Winter
Jaros	McGuire	Ostrom	Skoglund	Spk. Vanasek
Jefferson	Milbert	Pelowski	Solberg	
Johnson, A.	Munger	Peterson	Sparby	

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

The question recurred on the Long motion that House Resolution No. 3 be now adopted and the roll was called.

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

There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Lasley	Orenstein	Solberg
Anderson, R.	Farrell	Lieder	Orfield	Sparby
Battaglia	Greenfield	Long	Ostrom	Steenisma
Bauerly	Hasskamp	Loureys	Pelowski	Thompson
Beard	Hausman	Mariani	Peterson	Trimble
Beginch	Jacobs	McEachern	Pugh	Tunheim
Bertram	Janezich	McGuire	Reding	Vellenga
Brown	Jefferson	Munger	Rest	Wagenius
Carlson	Johnson, A.	Murphy	Rice	Wejman
Carruthers	Johnson, R.	Nelson, K.	Rodosovich	Welle
Clark	Kahn	O'Connor	Sarna	Wenzel
Cooper	Kalis	Ogren	Segal	Winter
Dauner	Kinkel	Olson, E.	Simoneau	Spk. Vanasek
Dawkins	Krueger	Olson, K.	Skoglund	

Those who voted in the negative were:

Abrams	Garcia	Kelso	Newinski	Smith
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Stanius
Bettermann	Goodno	Koppendrayer	Omarr	Sviggum
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Osthoff	Tompkins
Bodahl	Hanson	Limmer	Ozment	Uphus
Boo	Hartle	Lynch	Pauly	Valento
Davids	Haukoos	Macklin	Pellow	Waltman
Dempsey	Heir	Marsh	Runbeck	Weaver
Dille	Hufnagle	McPherson	Schafer	Welker
Erhardt	Hugoson	Milbert	Scheid	
Frederick	Jennings	Morrison	Schreiber	
Frerichs	Johnson, V.	Nelson, S.	Seaberg	

The motion prevailed and House Resolution No. 3 was adopted.

## CALL OF THE HOUSE LIFTED

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

Newinski moved that H. F. No. 1319 be returned to its author. The motion prevailed.

Anderson, I., moved that H. F. No. 1442 be recalled from the Committee on Transportation and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

## POINT OF ORDER

Reding raised a point of order pursuant to rule 5.08 that H. F. No. 1422 be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order well taken and H. F. No. 1422 was re-referred to the Committee on Governmental Operations.

## POINT OF ORDER

Schreiber raised a point of order pursuant to rule 6.03 relating to committee meeting schedules. The Speaker ruled the point of order not well taken.

## ADJOURNMENT

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 11, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives