

## STATE OF MINNESOTA

## SEVENTY-SEVENTH SESSION—1992

## SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 14, 1992

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

Prayer was offered by Representative Mary Murphy, District 8A, Hermantown, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Pauly and Vanasek were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Garcia 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. 1598 and H. F. No. 1731, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Lasley moved that the rules be so far suspended that S. F. No. 1598 be substituted for H. F. No. 1731 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Vellenga from the Committee on Judiciary to which was referred:

S. F. No. 11, A bill for an act relating to crimes; controlled substances; increasing penalties for sale or possession of powder cocaine to be identical to the penalties for sale or possession of cocaine base; amending the definition of sale to include possession with intent to sell; amending Minnesota Statutes 1990, sections 152.01, subdivision 15a, and by adding a subdivision; 152.021, subdivision 2; 152.022, subdivision 2; 152.025, subdivision 2; Minnesota Statutes 1991 Supplement, sections 152.01, subdivision 20; 152.021, subdivision 1; 152.022, subdivision 1; and 152.023, subdivision 2.

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

The report was adopted.

Welle from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1562, A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1990, sections 2.031, subdivision 2, as amended; 82B.05, subdivision 1, as amended; 82B.11, subdivision 1, as amended; 82B.17, as amended; 82B.19, subdivision 3, as amended; 92.46, subdivision 1, as amended; 121.11, subdivision 12; 123.3514, subdivision 6, as

amended; 124A.03, subdivision 2, as amended; 126.22, subdivision 8, as amended; 136D.90, subdivisions 1 and 2, as amended; 273.13, subdivision 25, as amended; 290.191, subdivision 4; 302A.461, subdivision 2, as amended; 469.101, subdivision 23, as amended; 1991 H.F. No. 719, article 4, section 67, subdivision 1; 1991 S.F. No. 598, article 7, section 9; 1991 H.F. No. 719, article 5, section 72; 1991 H.F. No. 2, article 2, section 7; 1991 H.F. No. 700, article 6, section 67, subdivision 1; 1991 H.F. No. 700, article 1, section 29; 1991 H.F. No. 700, article 4, section 34; 1991 H.F. No. 700, article 6, section 39, subdivision 6; 1991 H.F. No. 700, article 7, section 13, subdivision 1; 1991 H.F. No. 700, article 8, section 20; 1991 H.F. No. 700, article 9, section 33, subdivision 5; 1991 H.F. No. 700, article 9, section 76; Laws 1989, chapter 341, article 1, section 26; Laws 1991, chapter 97, section 15; Laws 1991, chapter 246, sections 4, subdivision 1; 7, subdivision 2; 12, subdivision 1; 17, subdivision 2; 23, subdivision 1; 29, subdivision 2; 31; 34, subdivision 2; 38, subdivision 2; 39, subdivision 2; 40, subdivision 2; 41, subdivision 2, 42, subdivision 1; 43, subdivision 1; 44, subdivision 1; 47, subdivision 2; 49, subdivision 1; 50; 51; 53; 54, subdivision 2; 55, subdivision 2; 56, subdivision 1; 58, subdivision 1; 60, subdivision 1; 62, subdivision 1; 64, subdivision 2; 65, subdivision 1; 66, subdivision 1; 67; 68, subdivision 2; 69, and by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

Section 1. Minnesota Statutes 1991 Supplement, section 302A.461, subdivision 2, is amended to read:

Subd. 2. [OTHER DOCUMENTS REQUIRED.] A corporation shall keep at its principal executive office, or, if its principal executive office is outside of this state, shall make available at its registered office within ten days after receipt by an officer of the corporation of a written demand for them made by a person described in subdivision 4, originals or copies of:

- (a) Records of all proceedings of shareholders for the last three years;
- (b) Records of all proceedings of the board for the last three years;
- (c) Its articles and all amendments currently in effect;
- (d) Its bylaws and all amendments currently in effect;
- (e) Financial statements required by section 302A.463 and the

financial statement for the most recent interim period prepared in the course of the operation of the corporation for distribution to the shareholders or to a governmental agency as a matter of public record;

(f) Reports made to shareholders generally within the last three years;

(g) A statement of the names and usual business addresses of its directors and principal officers;

(h) Voting trust agreements described in section 302A.453;

(i) Shareholder control agreements described in section 302A.457; and

(j) A copy of agreements, contracts, or other arrangements or portions of them incorporated by reference under section ~~320A.401~~ 302A.401, subdivision 3.

#### Sec. 2. [CORRECTION 1.]

Minnesota Statutes 1991 Supplement, section 82B.05, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] The real estate appraiser advisory board consists of 15 members appointed by the commissioner of commerce. Three of the members must be public members, four must be consumers of appraisal services, and eight must be ~~licensed~~ real estate appraisers of whom not less than two members shall be state real property appraisers, federal residential real property appraisers, or certified federal residential real property appraisers and not less than two members shall be certified federal general real property appraisers.

#### Sec. 3. [CORRECTION 1.]

Minnesota Statutes 1991 Supplement, section 82B.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] There are five classes of license for ~~licensed~~ real estate appraisers.

#### Sec. 4. [CORRECTION 1.]

Minnesota Statutes 1991 Supplement, section 82B.17, is amended to read:

#### 82B.17 [LICENSE DESIGNATION.]

When a ~~licensed~~ real estate appraiser uses the designation real estate appraiser or similar terms in an appraisal report or in a contract or other instrument used by the license holder in conducting real property appraisal activities or in advertisements, the appraiser shall place the appraiser's license number adjacent to or immediately below the designation used and indicate the class of license held.

Sec. 5. [CORRECTION 1.]

Minnesota Statutes 1991 Supplement, section 82B.19, subdivision 3, is amended to read:

Subd. 3. [REINSTATEMENTS.] A license as a real estate appraiser that has been revoked as a result of disciplinary action by the commissioner may not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement may not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for ~~licensed~~ real estate appraiser as a condition to reinstatement of a license.

Sec. 6. [CORRECTION 1.]

Laws 1989, chapter 341, article 1, section 26, is amended to read:

Sec. 26. [REPEALER.]

Section 23 is repealed ~~September~~ January 1, 1991 1992.

Sec. 7. [CORRECTION 1.]

Laws 1991, chapter 97, section 15, is amended to read:

Sec. 15. [EXISTING LICENSES.]

Licenses issued pursuant to Minnesota Statutes, chapter 82B, before the effective date of this act remain valid and in effect until ~~September~~ January 1, 1991 1992. A licensee who satisfies the examination or education requirements of Minnesota Statutes, section 82B.225, no later than ~~August~~ December 31, 1991, is eligible for licensure under Minnesota Statutes, section 82B.11, subdivision 2.

Sec. 8. [CORRECTION 2.]

Subdivision 1. [INCONSISTENT AMENDMENTS.] The amendment to Minnesota Statutes 1990, section 549.09, subdivision 1, paragraph (b), clause (2), contained in Laws 1991, chapter 266, section 10, prevails over the amendment to Minnesota Statutes

1990, section 549.09, subdivision 1, paragraph (b), clause (2), contained in Laws 1991, chapter 321, section 7.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective August 1, 1991.

Sec. 9. [CORRECTION 3.]

Minnesota Statutes 1991 Supplement, section 256B.74, subdivision 1, is amended to read:

Subdivision 1. [HOSPITAL REIMBURSEMENT.] (a) Effective for admissions occurring on or after July 1, 1991, the commissioner shall make an indigent care payment to Minnesota and local trade area hospitals except facilities of the federal Indian Health Service and regional treatment centers, in addition to all other payment to hospitals for inpatient services. The first indigent care payment shall be ten percent of the amount of medical assistance payments issued to that provider for inpatient services in a given the first ~~calendar quarter or month of 1991,~~ excluding indigent care payments paid under this section, divided by the number of related admissions, or patient days if applicable, and multiplying the result by 111 percent. Subsequent indigent care payment amounts shall be calculated monthly. The indigent care payment is added to each admission, or patient day if applicable, occurring (1) in the second calendar quarter beginning after the quarter on which the ~~September 15, 1991,~~ first indigent care payment amount is based and (2) in the month beginning six months after the month on which the subsequent monthly indigent care payment amount is based. Medicare crossovers are excluded from indigent care payments and from the payments and admissions on which the indigent care payment is based. The commissioner may issue indigent care payments as disproportionate population adjustments for eligible hospitals.

(b) Effective for services rendered on or after July 1, 1991, the commissioner shall reimburse outpatient hospital facility fees at 80 percent of calendar year 1990 submitted charges, not to exceed the Medicare upper payment limit. Services excepted from this payment methodology are emergency room facility fees, clinic facility fees, and those services for which there is a federal maximum allowable payment.

Sec. 10. [CORRECTION 4.]

Laws 1991, chapter 298, article 7, section 9, is amended to read:

Sec. 9. [ADVISORY TASK FORCE ON PARATRANSIT.]

Subdivision 1. [CREATION; MEMBERSHIP.] The regional transit

board shall establish a paratransit advisory task force under section 15.059, subdivision 6, consisting of the following members:

(1) two members representing the regional transit board, appointed by the chair of the board;

(2) two members representing the department of human services, appointed by the commissioner of human services;

(3) one member representing the department of transportation, appointed by the commissioner of transportation;

(4) one member representing the metropolitan transit commission, appointed by the chair of the commission;

(5) one member representing the council on disability, appointed by the council;

(6) one member representing nonprofit providers, appointed by the commissioner of human services;

(7) one member representing for-profit providers, appointed by the commissioner of human services;

(8) one member representing the senior community, appointed by the commissioner of human services;

(9) one member representing the metropolitan area, appointed by the chair of the metropolitan council; and

(10) two members representing users of paratransit, appointed by the chair of the board.

The ~~committee~~ task force shall expire December 31, 1991.

Subd. 2. [ADMINISTRATION.] The regional transit board and the department of human services shall provide staff and administrative services for the ~~committee~~ task force. The organizations whose representatives are listed in subdivision 1, clauses (4) to (8), shall provide information, staff, and technical assistance for the ~~committee~~ task force as needed.

Subd. 3. [STUDIES.] The ~~committee~~ task force shall study the feasibility of consolidating and coordinating existing metro mobility service trips with existing department of human services medical assistance service trips in the metropolitan area. The ~~committee~~ task force shall consult affected persons and organizations not represented by members appointed under subdivision 1, including day training and rehabilitation centers, nursing homes, and intermediate care facilities for the mentally retarded.

Subd 4. [REPORT.] The commissioner of human services and the chair of the regional transit board shall jointly submit the report and recommendations to the legislature and the governor no later than December 31, 1991.

Subd. 5. [DEFINITION.] For the purposes of this section, "metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

#### Sec. 11. [CORRECTION 5.]

Minnesota Statutes 1991 Supplement, section 256I.05, subdivision 1b, is amended to read:

Subd. 1b. [RATES FOR UNCERTIFIED BOARDING CARE HOMES.] Effective July 1, 1992, the maximum rate for a boarding care home not certified to receive medical assistance is equal to 65 percent of the average nursing home level "A" rate in effect for the geographic area in which the boarding care home is located; ~~except that a facility's rate must not be reduced by more than ten percent for the year ending June 30, 1992.~~ This is effective until June 30, 1993. A noncertified boarding care home licensed under Minnesota Rules, parts 9520.0500 to 9520.0690, is exempt from this rate limit. The commissioner shall study the numbers of facilities and residents that will be affected by the limit in this subdivision, the number of facilities likely to close because of the limit, the available alternatives for affected residents, methods of relocating or securing alternative placements for residents, and other effects of the limit. The commissioner shall provide a report to the legislature by January 1, 1992, on the commissioner's findings and recommendations relating to the rate limit.

#### Sec. 12. [CORRECTION 6.]

Subdivision 1. [APPORTIONMENT OF NET INCOME.] Minnesota Statutes 1990, section 290.191, subdivision 4, is amended to read:

Subd. 4. [APPORTIONMENT FORMULA FOR CERTAIN MAIL ORDER BUSINESSES.] If the business consists exclusively of the selling of tangible personal property and services in response to orders received by United States mail or telephone, and 99 percent of the taxpayer's property and payroll is within Minnesota, then the taxpayer may apportion net income to Minnesota based solely upon the percentage that the sales made within this state in connection with the trade or business during the tax period are of the total sales wherever made in connection with the trade or business during the tax period. Property and payroll factors are disregarded. In determining eligibility for this subdivision:



(1) the sale not in the ordinary course of business of tangible or intangible assets used in conducting business activities must be disregarded; and

(2) property and payroll at a distribution center outside of Minnesota are disregarded if the sole activity at the distribution center is the filling of orders, and no solicitation of orders occurs at the distribution center.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective for taxable years beginning after December 31, 1990.

Sec. 13. [CORRECTION 7.]

Subdivision 1. [CLASS 4C PROPERTY.] Minnesota Statutes 1991 Supplement, 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 3.5 percent of market value for taxes payable in 1992, and 3.4 percent of market value for taxes payable in 1993 and thereafter.

(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 2.8 percent of market value for taxes payable in 1992, 2.5 percent of market value for taxes payable in 1993, and 2.3 percent of market value for taxes payable in 1994 and thereafter.

(c) Class 4c property includes:

(1) a structure that is:

(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

or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency 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 adopted 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 for 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 as defined in section 42(c)(2) of the Internal Revenue Code of 1986, as amended through December 31, 1990, that (i) receives a low-income housing credit under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1990; 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; or (iii) meets the requirements of section 273.1317. Classification pursuant to this clause is limited to a term of 15 years.

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 unless the owner of the property elects to have the property assessed under Laws 1991, chapter 291, article 1, section 55. If the owner of the property elects to have the market value determined on the basis of the actual restricted rents, as provided in Laws 1991, chapter 291, article 1, section 55, the property will be assessed at the rate provided for class 4a or class 4b property, as appropriate. Properties described in clauses (1)(ii), (3), and (4) may apply to the

assessor for valuation under Laws 1991, chapter 291, article 1, section 55. 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 250 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 250 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, 1990. 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 seasonal residential recreational property not used for commercial purposes under clause (5) has a class rate of 2.2 percent of market value for taxes payable in 1992, and for taxes payable in 1993 and thereafter, the first \$72,000 of market value has a class rate of two percent and the market value that exceeds \$72,000 has a class rate of 2.5 percent.

(d) Class 4d property includes:

(1) a structure that is:

(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.

(2) For taxes payable in 1992, 1993 and 1994, only, buildings and appurtenances, together with the land upon which they are located, leased by the occupant under the community lending model lease-purchase mortgage loan program administered by the Federal National Mortgage Association, provided the occupant's income is no greater than 60 percent of the county or area median income, adjusted for family size and the building consists of existing single family or duplex housing. The lease agreement must provide for a portion of the lease payment to be escrowed as a nonrefundable down payment on the housing. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. The application must be accompanied by an affidavit or other proof required by the assessor to determine qualification under this clause.

(3) For taxes payable in 1992, 1993 and 1994, only, federally acquired buildings under four units and appurtenances, together with the land upon which they are located that is leased to a nonprofit corporation organized under chapter 317A that qualifies for tax exempt status under United States Code, title 26, section 501(c), or a housing and redevelopment authority authorized under sections 469.001 to 469.047; the purpose of the lease must be to allow the nonprofit corporation to provide transitional housing for homeless persons under the program established in Code of Federal Regulations, title 55, section 49489. As used in this clause, "transitional housing" has the meaning given in section 268.38, subdivision 1, except that the two-year restriction does not apply. If the

property is purchased from the federal government by the nonprofit corporation for the purpose of continuing to provide transitional housing after the expiration of the lease, the property shall continue to be eligible for this classification. To qualify under this clause, the taxpayer must apply to the county assessor by May 30 of each year. The application must be accompanied by an affidavit or other proof required by the county assessor to determine qualification under this clause. Property qualifying under this clause in 1992, 1993, or 1994 continues to receive a two percent class rate until the five-year lease has expired provided that the property continues to be used for the purposes as described in this clause.

Class 4d property has a class rate of two percent of market value.

(e) Residential rental property that would otherwise be assessed as class 4 property under paragraph (a); paragraph (b), clauses (1) and (3); 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.

Subd. 2. [EFFECTIVE DATE.] Subdivision 1 is effective for taxes levied in 1991, payable in 1992, and thereafter.

#### Sec. 14. [CORRECTION 11.]

Minnesota Statutes 1991 Supplement, section 469.101, subdivision 23, is amended to read:

Subd. 23. [SUPPLYING SMALL BUSINESS CAPITAL.] Notwithstanding any contrary law, the authority may participate with public or private corporations or other entities, whose purpose is to provide seed or venture capital to small businesses that have facilities located or to be located in the district. For that purpose the authority may use not more than ~~ten~~ ten percent of available annual net income or ~~\$1,000,000~~ \$1,000,000 annually, whichever is less, to invest in equities or acquire equity-type investments. These investments can be made directly in eligible corporations or entities or acquired through participation in a public or private seed or venture capital fund. The participation by the authority may not exceed in any year 25 percent of the total amount of funds provided for venture or seed capital purposes by all of the participants. The corporation, entity, or fund shall report in writing each six months to the commissioners of the authority all investments and other action taken by it since the last report. Funds contributed to the corporation or entity must be invested pro rata with each contributor of capital taking proportional risks on each investment. As used in this subdivision, the

term "small business" has the meaning given it in section 645.445, subdivision 2.

**Sec. 15. [CORRECTION 14.]**

Subdivision 1. The amendment to Minnesota Statutes 1990, section 92.67, subdivision 1, made by Laws 1991, chapter 254, article 2, section 23, is of no effect.

Subd. 2. Minnesota Statutes 1990, section 92.46, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC CAMPGROUNDS.] (a) The director may designate suitable portions of the state lands withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public campgrounds. The director may have the land surveyed and platted into lots of convenient size, and lease them for cottage and camp purposes under terms and conditions the director prescribes, subject to the provisions of this section.

(b) A lease may not be for a term more than 20 years. The lease may allow renewal, from time to time, for additional terms of no longer than 20 years each. The lease may be canceled by the commissioner 90 days after giving the person leasing the land written notice of violation of lease conditions. The lease rate shall be based on the appraised value of leased land as determined by the commissioner of natural resources and shall be adjusted by the commissioner at the fifth, tenth, and 15th anniversary of the lease, if the appraised value has increased or decreased. For leases that are renewed in 1991 and following years, the lease rate shall be five percent of the appraised value of the leased land. The appraised value shall be the value of the leased land without any private improvements and must be comparable to similar land without any improvements within the same county. The minimum appraised value that the commissioner assigns to the leased land must be substantially equal to the county assessor's estimated market value of similar land adjusted by the assessment/sales ratio as determined by the department of revenue.

(c) By July 1, 1986, the commissioner of natural resources shall adopt rules under chapter 14 to establish procedures for leasing land under this section. The rules shall be subject to review and approval by the commissioners of revenue and administration prior to the initial publication pursuant to chapter 14 and prior to their final adoption. The rules must address at least the following:

(1) method of appraising the property; and

(2) an appeal procedure for both the appraised values and lease rates.

(d) All money received from these leases must be credited to the fund to which the proceeds of the land belong.

Notwithstanding section 16A.125 or any other law to the contrary, 50 percent of the money received from the lease of permanent school fund lands leased pursuant to this subdivision shall be deposited into the permanent school trust fund. However, in fiscal years 1987, 1988, 1989, 1990, 1991, ~~and~~ 1992, 1993, and 1994, the money received from the lease of permanent school fund lands that would otherwise be deposited into the permanent school fund is hereby appropriated to survey, appraise, and pay associated selling costs of lots as required in section 92.67, subdivision 3. The money appropriated may not be used to pay the cost of surveying lots not scheduled for sale. Any money designated for deposit in the permanent school fund that is not needed to survey, appraise, and pay associated selling costs of lots, as required in section 92.67, shall be deposited in the permanent school fund. The commissioner shall add to the appraised value of any lot offered for sale the costs of surveying, appraising, and selling the lot, and shall first deposit into the permanent school fund an amount equal to the costs of surveying, appraising, and selling any lot paid out of the permanent school fund. Any remaining money shall be deposited into any other contributing funds in proportion to the contribution from each fund. In no case may the commissioner add to the appraised value of any lot offered for sale an amount more than \$700 for the costs of surveying and appraising the lot.

#### Sec. 16. [CORRECTION 12.]

Laws 1991, chapter 345, article 1, section 17, subdivision 3, is amended to read:

#### Subd. 3. Intertechnologies Group

10,954,000      5,431,000

#### SUMMARY BY FUND

General	6,794,000	5,494,000	1,271,000
Special Revenue		4,160,000	4,160,000

The appropriation from the special revenue fund is for recurring costs of 911 emergency telephone service.

\$3,900,000 is appropriated as a loan from the general fund to the STARS revolving fund. This amount shall be repaid before the end of the biennium. Notwithstanding any law to the con-



trary, the commissioner of administration shall have authority to transfer contributed capital between department of administration internal service or enterprise funds. Notwithstanding any other law to the contrary, the commissioner of administration may, with the approval of the commissioner of finance, make loans from an internal service or enterprise fund to another internal service or enterprise fund.

\$150,000 the first year is for the commissioner of the department of administration and the STARS staff to conduct a study to develop models for the use of STARS telecommunications regions under joint powers or other agreements. The models shall be used to:

- (1) coordinate development of applications or programs that combine the needs of education, state and local governments, or other public sector users of STARS services;

- (2) determine the local telecommunications approaches that work best to distribute applications or programs transported by STARS within the region; and

- (3) identify needs for shared video facilities and develop agreements and ways to prioritize or schedule their use equitably.

The study shall focus on current and future telecommunications needs that result from joint activities of STARS customers in the two telecommunications regions that will be served by STARS from Duluth and Rochester and shall describe pilot projects that could be used to validate the study findings.

The study shall be submitted to the appropriate committees of the legislature by December 31, 1991.

\$201,100 the first year and \$205,800 the second year must be subtracted from the amount that would otherwise be payable to local government aid under Minnesota Statutes, chapter 477A, in order to fund the local government records program and the intergovernmental information systems activity.

Sec. 17. [CORRECTION 13.]

Laws 1991, chapter 345, article 1, is amended by adding a section to read:

Sec. 119. [EFFECTIVE DATE.]

Sections 91 and 117, subdivision 6, are effective January 1, 1993.

Sec. 18. Laws 1991, chapter 292, article 1, section 6, subdivision 2, is amended to read:

Subd. 2. [COMMUNITY SERVICES.]

40,043,000	40,329,000
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The commissioner of finance shall adjust the base for the county probation reimbursement program, described in Minnesota Statutes, section 260.311, subdivision 5, to a level that allows the state to maintain a 50 percent reimbursement level to counties for the biennium beginning July 1, 1993.

During the biennium ending June 30, 1993, whenever offenders are assigned for the purpose of work under agreement with a state department or agency, local unit of government, or other government subdivision, the state department or agency, local unit of government, or other government subdivision must certify to the appropriate bargaining agent that the work performed by inmates will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial dis-

placement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Notwithstanding Minnesota Statutes, section 609.105 or any other provision of law to the contrary, a felony offender sentenced in a community corrections act county may not be committed to the custody of the commissioner of corrections under an executed sentence of imprisonment if the time remaining in the offender's sentence, minus credit for prior imprisonment, is 60 days or less unless the offender's sentence was presumptively executed under the sentencing guidelines. Notwithstanding any provision of law to the contrary, these offenders may be sentenced to imprisonment in a local jail or workhouse. This does not apply provision applies to offenders whose sentences were executed at the time of sentencing and to offenders whose sentences were executed after revocation of a stayed felony sentence.

#### Sec. 19. [CORRECTION 20.]

Minnesota Statutes 1990, section 490.123, is amended by adding a subdivision to read:

Subd. 1c. [ADDITIONAL EMPLOYER CONTRIBUTION.] In the event that the employer contribution under subdivision 1b and the assets of the judges retirement fund are insufficient to meet reserve transfers to the Minnesota postretirement investment fund or payments of survivor benefits before July 1, 1993, the necessary amount is appropriated from the general fund to the executive director of the Minnesota state retirement system, upon certification by the executive director to the commissioner of finance.

#### Sec. 20. [CORRECTION 21.]

Subdivision 1. [SALES TAX; OCCASIONAL SALES.] Minnesota Statutes 1991 Supplement, section 297A.25, subdivision 12, is amended to read:

Subd. 12. [OCCASIONAL SALES.] (a) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind

of property, and the storage, use, or consumption of property acquired as a result of such a sale are exempt.

(b) This exemption does not apply to sales of tangible personal property primarily used in a trade or business unless (1) the sale occurs in a transaction subject to or described in section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031, or 1033 of the Internal Revenue Code of 1986, as amended through December 31, 1990; ~~or~~; (2) the sale is between members of an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986, as amended through December 31, 1990; (3) the sale is a sale of farm machinery; (4) the sale is a farm auction sale; or (5) the sale is a sale of substantially all of the assets of a trade or business conducted by an individual or by a partnership all of the partners of which are individuals.

For purposes of this subdivision, a "farm auction" is a public auction conducted by a licensed auctioneer if substantially all of the property sold consists of property used in the trade or business of farming and property not used primarily in a trade or business.

Subd. 2. [EFFECTIVE DATE.]

Subdivision 1 is effective retroactive for sales made after June 30, 1991. No refunds of tax may be paid under this section except as provided in this subdivision. A purchaser must file a claim for refund containing the information required in section 289A.50 and any other information required by the commissioner, including receipts or other proof of payment. A purchaser is considered a taxpayer for purposes of section 289A.50. Notwithstanding section 289A.50, subdivision 2, a vendor who has collected a tax from the purchaser may not claim a refund under this section.

## ARTICLE 2

### CORRECTIONS, EDUCATION FUNDING

Section 1. [CORRECTION AA.]

Laws 1991, chapter 265, article 6, section 67, subdivision 1, is amended to read:

Sec. 67. [REPEALER.]

Subdivision 1. [JULY 1, 1991.] Minnesota Statutes 1990, sections 124C.02; 136D.27, subdivision 1; 136D.74, subdivision 2; 136D.76, subdivision 3; 136D.87, subdivision 1; and 275.125, subdivisions ~~subdivision~~ 8d, are repealed.

Sec. 2. [CORRECTION CC.]

Minnesota Statutes 1991 Supplement, section 136D.90, subdivision 2, is repealed.

Sec. 3. [CORRECTION GG.]

Minnesota Statutes 1991 Supplement, section 126.22, subdivision 8, is amended to read:

Subd. 8. [ENROLLMENT VERIFICATION.] For a pupil attending an eligible program full time under subdivision 3, paragraph (d), the department of education shall pay 88 percent of the basic revenue of the district to the eligible program and 12 percent of the basic revenue to the resident district within 30 days after the eligible program verifies enrollment using the form provided by the department. For a pupil attending an eligible program part time, basic revenue shall be reduced proportionately, according to the amount of time the pupil attends the program, and the payments to the eligible program and the resident district shall be reduced accordingly. A pupil for whom payment is made according to this section may not be counted by any district for any purpose other than computation of basic revenue, according to section 124A.22, subdivision 2. If payment is made for a pupil under this subdivision, a school district shall not reimburse a program under section 126.23 for the same pupil.

Sec. 4. [CORRECTION HH.]

Laws 1991, chapter 265, article 4, section 34, is amended to read:

Sec. 34. [EFFECTIVE DATE.]

Section 10, subdivision 4, is effective July 1, 1991. Section 10, subdivisions 1, 2, 3, 5, 6, and 7, are effective July 1, 1992. Reimbursements according to Section 11 are available is effective July 1, 1992.

Sec. 5. [CORRECTION JJ.]

Minnesota Statutes 1991 Supplement, section 124.2615, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM REVIEW AND APPROVAL.] By February 15, ~~1991~~ 1992, for the 1991-1992 school year or by January 1 of subsequent school years, a district must submit to the commissioners of education, health, human services, and jobs and training:

- (1) a description of the services to be provided;
- (2) a plan to ensure children at greatest risk receive appropriate services;

(3) a description of procedures and methods to be used to coordinate public and private resources to maximize use of existing community resources, including school districts, health care facilities, government agencies, neighborhood organizations, and other resources knowledgeable in early childhood development;

(4) comments about the district's proposed program by the advisory council required by section 121.831, subdivision 7; and

(5) agreements with all participating service providers.

Each commissioner may review and comment on the program, and make recommendations to the commissioner of education, within 30 days of receiving the plan.

#### Sec. 6. [CORRECTION MM.]

Minnesota Statutes 1991 Supplement, section 122.895, subdivision 5, is amended to read:

Subd. 5. [RIGHTS OF OTHER TEACHERS UPON DISSOLUTION.] (a) This subdivision applies to a teacher who:

(1) has a continuing contract with the cooperative; and

(2) either did not have a continuing contract with any member district or does not return to a member district according to the procedures set forth in subdivision 4, paragraph (b).

(b) By May 10 of the school year in which the cooperative provides the notice required by subdivision 3, clause (1), the cooperative shall provide to each teacher described in subdivision 4 and this subdivision a written notice of available teaching positions in any member district to which the cooperative was providing services at the time of dissolution. Available teaching positions are all teaching positions that, during the school year following dissolution:

(1) are positions for which the teacher is licensed; and

(2) are not assigned to a continuing contract teacher employed by a member school district after any reasonable realignments which may be necessary under the applicable provisions of section 125.12, subdivision 6a or 6b, to accommodate the seniority rights of teachers employed by the member district.

(c) On or before June 1 of the school year in which the cooperative provides the notice required by subdivision 3, clause (1), any teacher wishing to do so must file with the school board a written notice of the teacher's intention to exercise the teacher's rights to an available

teaching position. Available teaching positions shall be offered to teachers in order of their seniority within the dissolved cooperative.

(d) Paragraph (e) applies to:

(1) a district that was a member of a dissolved cooperative; or

(2) any other district that, except as a result of open enrollment according to section 120.062, provides essentially the same instruction provided by the dissolved cooperative to pupils enrolled in a former member district.

(e) For five years following dissolution of a cooperative, a district to which this subdivision paragraph applies may not appoint a new teacher or assign a probationary or provisionally licensed teacher to any position requiring licensure in a field in which the dissolved cooperative provided instruction until the following conditions are met:

(1) a district to which this subdivision paragraph applies has provided each teacher formerly employed by the dissolved cooperative, who holds the requisite license, written notice of the position; and

(2) no teacher holding the requisite license has filed a written request to be appointed to the position with the school board within 30 days of receiving the notice.

If no teacher files a request according to clause (2), the district may fill the position as it sees fit. During any part of the school year in which dissolution occurs and the first school year following dissolution, a teacher may file a request for an appointment according to this paragraph regardless of prior contractual commitments with other member districts. Available teaching positions shall be offered to teachers in order of their seniority on a combined seniority list of the teachers employed by the cooperative and the appointing district.

(f) A teacher appointed according to this subdivision is not required to serve a probationary period. The teacher shall receive credit on the appointing district's salary schedule for the teacher's years of continuous service under contract with the cooperative and the member district and the teacher's educational attainment at the time of appointment or shall receive a comparable salary, whichever is less. The teacher shall receive credit for accumulations of sick leave and rights to severance benefits as if the teacher had been employed by the member district during the teacher's years of employment by the cooperative.

Sec. 7. [EFFECTIVE DATE.]

The amendments made by corrections AA, GG, and JJ are effective July 1, 1991."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Appropriations to which was referred:

S. F. No. 1612, A bill for an act relating to human services; temporarily removing the time limit on work readiness assistance.

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

The report was adopted.

Anderson, I., from the Committee on Local Government and Metropolitan Affairs to which was referred:

S. F. No. 1622, A bill for an act relating to the Minneapolis park and recreation board; providing for two members appointed by the Minneapolis park and recreation board on the Minneapolis reapportionment commission; establishing standards for park board redistricting.

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

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1598, 11, 1562, 1612 and 1622 were read for the second time.



## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Welker, Peterson and Frederick introduced:

H. F. No. 1855, A bill for an act relating to animals; defining the responsibilities and limiting the tort liability of persons organizing, promoting, presenting, or providing certain equestrian activities; proposing coding for new law as Minnesota Statutes, chapter 240B.

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

Hanson, Vellenga and Orfield introduced:

H. F. No. 1856, A bill for an act relating to driving while intoxicated; appropriating money for intensive probation programs for repeat DWI offenders.

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

Bauerly; Lasley; Nelson, K.; Kelso and McEachern introduced:

H. F. No. 1857, A bill for an act relating to education; providing for an open and standing appropriation for debt service equalization aid; appropriating money for debt service equalization aid for school districts; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Kahn, Greenfield, Dauner, Bishop and Rice introduced:

H. F. No. 1858, A bill for an act relating to traffic regulations; requiring all motorcycle operators and passengers to wear protective helmets; repealing restrictions on admissibility of evidence of not using protective helmet; amending Minnesota Statutes 1990, section 169.974, subdivision 4; repealing Minnesota Statutes 1990, section 169.974, subdivision 6.

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

Tunheim, Sparby and Trimble introduced:

H. F. No. 1859, A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1990, section 168.12, by adding a subdivision.

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

Wenzel and Hasskamp introduced:

H. F. No. 1860, A bill for an act relating to counties; permitting county offices to be filled by special election; amending Minnesota Statutes 1990, sections 375.08; and 375.101, subdivision 1.

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

Jefferson, Kahn and Wejzman introduced:

H. F. No. 1861, A bill for an act relating to state lands; providing for the release of a state interest in certain property in the city of Minneapolis.

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

Jefferson and Wejzman introduced:

H. F. No. 1862, A bill for an act relating to the city of Minneapolis; extending authority to guarantee certain loans; amending Laws 1988, chapter 594, section 6.

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

Heir, Koppendrayar, Runbeck and McPherson introduced:

H. F. No. 1863, A bill for an act relating to lawful gambling; authorizing expenditures on facilities and activities for persons age 55 or over as a lawful purpose; amending Minnesota Statutes 1991 Supplement, section 349.12, subdivision 25.

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

Omann introduced:

H. F. No. 1864, A bill for an act relating to education; requiring transportation of nonresident pupils to a nonpublic school in the district on request; amending Minnesota Statutes 1990, section 123.78, by adding a subdivision.

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

Pelowski; Battaglia; Johnson, A.; McEachern and Thompson introduced:

H. F. No. 1865, A bill for an act relating to education; requiring the graduation rule to be authorized by law.

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

Mariani; Anderson, R.; Jefferson; Segal and Jaros introduced:

H. F. No. 1866, A bill for an act relating to human services; temporarily removing the time limit on work readiness assistance.

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

Dawkins, Carlson, Orenstein, Murphy and Rice introduced:

H. F. No. 1867, A bill for an act relating to human services; temporarily removing the time limit on work readiness assistance.

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

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

H. F. No. 1868, A bill for an act relating to public employment; providing an early retirement incentive for certain public employees; amending Minnesota Statutes 1990, section 275.125, by adding a subdivision; Minnesota Statutes 1991 Supplement, section 275.50, subdivision 5.

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

Johnson, A.; Milbert; Runbeck and Pugh introduced:

H. F. No. 1869, A bill for an act relating to education; restricting intermediate district revenue to members of intermediate school districts; modifying and clarifying procedures for withdrawal from membership in intermediate districts; eliminating state approval in certain circumstances; authorizing intermediate districts to levy to restore one year's revenue reduction; repealing intermediate district revenue for school districts; amending Minnesota Statutes 1990, section 136D.75; Minnesota Statutes 1991 Supplement, sections 124.2727, subdivision 6; 136D.22, subdivision 3; 136D.71, subdivision 2; 136D.76, subdivision 2; and 136D.82, subdivision 3; repealing Minnesota Statutes 1990, section 136D.76, subdivision 3; Minnesota Statutes 1991 Supplement, sections 124.2727, subdivisions 1, 2, 3, 4, and 5; and 136D.90, subdivision 2.

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

Gruenes, Stanius, Leppik, Heir and Lynch introduced:

H. F. No. 1870, A bill for an act relating to health care; providing access to affordable health care; regulating coverages; establishing premium supplements; initiating health care reform procedures; creating a commission and various advisory committees; regulating small employer health benefits; establishing revenue mechanisms including appropriations and taxes; appropriating money; amending Minnesota Statutes 1990, sections 60A.15, subdivision 1; 136A.1355, subdivisions 2 and 3; 290.01, subdivision 19b; 297.02, by adding a subdivision; and 297.13, subdivision 1; Minnesota Statutes 1991 Supplement, sections 62A.31, subdivision 1; and 297.03, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 62E; 62J; 136A; 144; 144A; and 145; proposing coding for new law as Minnesota Statutes, chapter 62K; repealing Minnesota Statutes 1990, sections 144.1465; and 144.147, subdivisions 1, 2, 3, and 4.

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

Dorn introduced:

H. F. No. 1871, A bill for an act relating to retirement; teachers retirement association; authorizing the recomputation of a certain period certain annuity option.

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

Solberg, Kinkel, Janezich, Kahn and Bishop introduced:

H. F. No. 1872, A bill for an act relating to commerce; regulating innkeepers; prohibiting innkeepers from removing, or failing to admit, guests based on age if the guest is not a minor; amending Minnesota Statutes 1990, section 327.73, subdivision 4.

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

Reding, Ogren, Skoglund, Long and Knickerbocker introduced:

H. F. No. 1873, A bill for an act relating to public employment; requiring public employers to include certain former employees in the same insurance pool as active employees; amending Minnesota Statutes 1990, sections 43A.27, subdivision 3; and 471.61, by adding a subdivision.

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

Carruthers, McGuire, Wagenius, Long and Swenson introduced:

H. F. No. 1874, A bill for an act relating to crimes; imposing a felony penalty for a third impaired driving conviction; expanding the offenses of criminal vehicular homicide and injury to include negligent driving under license revocation, suspension, or cancellation for an impaired driving conviction, or without insurance; amending Minnesota Statutes 1990, sections 169.121, subdivision 3; and 609.21, subdivisions 1, 2, 2a, 3, and 4.

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

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Simoneau requested immediate consideration of S. F. No. 1621.

S. F. No. 1621, A bill for an act relating to education; University of Minnesota; appropriating money for the institute of technology and system specials.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kalis

The bill was passed and its title agreed to.

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

## RECESS

## RECONVENED

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

## MOTIONS AND RESOLUTIONS

Osthoff moved that the name of Bishop be added as an author on H. F. No. 680. The motion prevailed.

Uphus moved that the name of Waltman be added as an author on H. F. No. 1737. The motion prevailed.

Carlson moved that the name of Morrison be stricken and the name of Orenstein be added as an author on H. F. No. 1740. The motion prevailed.

Runbeck moved that the name of Dille be stricken and the name of Koppendrayser be added as an author on H. F. No. 1815. The motion prevailed.

Wenzel moved that the words "by request" be added after his name as author on H. F. No. 1818. The motion prevailed.

Onnen moved that the names of Smith and Erhardt be added as authors on H. F. No. 1828. The motion prevailed.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Solberg moved that the rule therein be suspended and an urgency be declared so that S. F. No. 11 now on Technical General Orders, be given its third reading and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Solberg motion and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Wagenius  
Waltman

Weaver  
Wejman

Welker  
Welle

Wenzel  
Winter

Spk. Long

The motion prevailed.

Solberg moved that the Rules of the House be so far suspended that S. F. No. 11 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 11, A bill for an act relating to crimes; controlled substances; increasing penalties for sale or possession of powder cocaine to be identical to the penalties for sale or possession of cocaine base; amending the definition of sale to include possession with intent to sell; amending Minnesota Statutes 1990, sections 152.01, subdivision 15a, and by adding a subdivision; 152.021, subdivision 2; 152.022, subdivision 2; 152.025, subdivision 2; Minnesota Statutes 1991 Supplement, sections 152.01, subdivision 20; 152.021, subdivision 1; 152.022, subdivision 1; and 152.023, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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



Those who voted in the negative were:

Dawkins

Jaros

Kahn

Mariani

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE

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

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

Welle 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.

#### MOTION TO OVERRIDE LINE ITEM VETO

Ogren, Ostrom, Winter, Bodahl and O'Connor moved that Article 2, Section 4, page 79, lines 1 through 36, and page 80, lines 1 through 4, Chapter 291, H. F. No. 1698, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the motion to reconsider and repass the line item veto relating to Article 2, Section 4, page 79, lines 1

through 36, and page 80, lines 1 through 4, Chapter 291, H. F. No. 1698, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called.

There were 87 yeas and 45 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Gruenes	Krambeer	Newinski	Smith
Anderson, R. H.	Gutknecht	Krinkie	Olsen, S.	Stanisus
Bishop	Hartle	Leppik	Onnen	Sviggunn
Blatz	Haukoos	Limmer	Ozment	Swenson
Boo	Heir	Lynch	Pellow	Tompkins
Dempsey	Henry	Macklin	Runbeck	Uphus
Erhardt	Hufnagle	Marsh	Schafer	Valento
Frerichs	Hugoson	McPherson	Schreiber	Weaver
Girard	Knickerbocker	Morrison	Seaberg	Welker

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and not repassed.

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

#### CALL OF THE HOUSE LIFTED

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

Frerichs moved that H. F. No. 1808 be recalled from the Committee on Appropriations, be given its second reading and be advanced to General Orders pursuant to House Rule 1.15.

A roll call was requested and properly seconded.

## CALL OF THE HOUSE

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

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

Welle 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.

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

The question recurred on the Frerichs motion and the roll was called. There were 53 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Newinski	Stanisus
Anderson, R. H.	Girard	Knickerbocker	Olsen, S.	Sviggum
Bettermann	Goodno	Koppendrayer	Omann	Swenson
Bishop	Gruenes	Krambeer	Onnen	Tompkins
Blatz	Gutknecht	Krinkie	Ozment	Uphus
Boo	Hartle	Leppik	Pellow	Valento
Davids	Haukoos	Limmer	Runbeck	Waltman
Dempsey	Heir	Lynch	Schafer	Weaver
Dille	Henry	Macklin	Schreiber	Welker
Erhardt	Hufnagle	Marsh	Seaberg	
Frederick	Hugoson	McPherson	Smith	

Those who voted in the negative were:

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

The motion did not prevail.

Onnen moved that H. F. No. 1828 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, January 15, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, January 15, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives