

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

SEVENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 21, 1994

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

Prayer was offered by the Reverend Dr. Donald M. Meisel, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Dehler	Hugoson	Lasley	Neary	Rest	Van Dellen
Anderson, R.	Delmont	Huntley	Leppik	Nelson	Rhodes	Van Engen
Asch	Dempsey	Jacobs	Lieder	Ness	Rice	Vellenga
Battaglia	Dorn	Jaros	Limmer	Olson, E.	Rodosovich	Vickerman
Bauerly	Erhardt	Jefferson	Lindner	Olson, K.	Rukavina	Wagenius
Beard	Evans	Jennings	Long	Olson, M.	Sarna	Waltman
Bergson	Farrell	Johnson, A.	Lourey	Onnen	Seagren	Weaver
Bertram	Finseth	Johnson, R.	Luther	Opatz	Sekhon	Wejcman
Bettermann	Frerichs	Johnson, V.	Lynch	Orenstein	Simoneau	Wenzel
Bishop	Garcia	Kahn	Macklin	Orfield	Skoglund	Winter
Brown, C.	Girard	Kalis	Mahon	Osthoff	Smith	Wolf
Brown, K.	Goodno	Kelley	Mariani	Ostrom	Solberg	Worke
Carlson	Greenfield	Kelso	McCollum	Ozment	Stanisus	Workman
Carruthers	Greiling	Kinkel	McGuire	Pauly	Steensma	Spk. Anderson, I.
Clark	Gruenes	Klinzing	Milbert	Pawlenty	Sviggum	
Commers	Gutknecht	Knickerbocker	Molnau	Pelowski	Swenson	
Cooper	Hasskamp	Knight	Morrison	Perlt	Tomassoni	
Dauner	Haukoos	Koppendrayner	Mosel	Peterson	Tompkins	
Davids	Hausman	Krinkie	Munger	Pugh	Trimble	
Dawkins	Holsten	Krueger	Murphy	Reding	Tunheim	

A quorum was present.

The Chief Clerk proceeded to read the Journals of the preceding days. Dauner moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 844 and H. F. No. 2228, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carruthers moved that S. F. No. 844 be substituted for H. F. No. 2228 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1750 and H. F. No. 2201, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Evans moved that S. F. No. 1750 be substituted for H. F. No. 2201 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2086 and H. F. No. 2318, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cooper moved that the rules be so far suspended that S. F. No. 2086 be substituted for H. F. No. 2318 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 1316, A bill for an act relating to occupations and professions; establishing a board of nutrition and dietetics practice; requiring nutritionists and dietitians to be licensed; establishing licensing requirements and exemptions; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 214.01, subdivision 2; and 214.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 3, line 34, after the period, insert "There must be at least three members of each gender."

Page 9, line 17, delete "\"dietitian\" or" and insert "\"dietitian,\" \"licensed dietitian,\" \"nutritionist,\" \"licensed nutritionist,\" or any occupational title using the word \"dietitian\" or \"nutritionist\""

Page 9, delete line 18

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.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 1449, A bill for an act relating to motor vehicles; requiring licensing of certain persons engaged in commercial practices related to new motor vehicles; providing for service of process for certain alleged violations; providing civil penalty; amending Minnesota Statutes 1992, section 168.27, subdivision 2, and by adding a subdivision.

Reported the same back without recommendation.

The report was adopted.

Skoglund from the Committee on Judiciary to which was referred:

H. F. No. 1659, A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-107; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-201; 524.2-202; 524.2-205; 524.2-206; 524.2-207; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606;

524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; 525.223.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 524.1-201, is amended to read:

524.1-201 [GENERAL DEFINITIONS.]

Subject to additional definitions contained in the subsequent articles which are applicable to specific articles or parts, and unless the context otherwise requires, in chapters 524 and 525:

(1) (2) "Application" means a written request to the registrar for an order of informal probate or appointment under article III, part 3.

(2) (3) "Beneficiary," as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer and as it relates to a charitable trust, includes any person entitled to enforce the trust.

(3) (5) "Child" includes any individual entitled to take as a child under law by intestate succession from the parent whose relationship is involved and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(4) (6) "Claims" includes liabilities of the decedent whether arising in contract or otherwise and liabilities of the estate which arise after the death of the decedent including funeral expenses and expenses of administration. The term does not include taxes, demands or disputes regarding title of a decedent to specific assets alleged to be included in the estate, tort claims, foreclosure of mechanic's liens, or to actions pursuant to section 573.02.

(5) (7) "Court" means the court or branch having jurisdiction in matters relating to the affairs of decedents. This court in this state is known as the probate court or county court.

(6) (8) "Conservator" means a person who is appointed by a court to manage the estate of a protected person.

(9) "Descendant" of an individual means all of the individual's descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in this section.

(7) (10) "Devise," when used as a noun, means a testamentary disposition of real or personal property and when used as a verb, means to dispose of real or personal property by will.

(8) (11) "Devisee" means any person designated in a will to receive a devise. In the case of a devise to an existing trust or trustee, or to a trustee on trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.

(9) (12) "Disability" means cause for a protective order as described by section 525.54.

(10) (13) "Distributee" means any person who has received property of a decedent from the decedent's personal representative other than as a creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in the trustee's hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. For purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will, to the extent of the devised assets.

(11) (14) "Estate" includes all of the property of the decedent, trust, or other person whose affairs are subject to this chapter as originally constituted and as it exists from time to time during administration.

- (12) (16) "Fiduciary" includes personal representative, guardian, conservator and trustee.
- (13) (17) "Foreign personal representative" means a personal representative of another jurisdiction.
- (14) (18) "Formal proceedings" means those conducted before a judge with notice to interested persons.
- (15) (20) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.
- (16) (21) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.
- (17) (22) "Incapacitated person" is as described in section 525.54, other than a minor.
- (18) (23) "Informal proceedings" means those conducted by the judge, the registrar, or the person or persons designated by the judge for probate of a will or appointment of a personal representative in accordance with sections 524.3-301 to 524.3-311.
- (19) (24) "Interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against the estate of a decedent, ward or protected person which may be affected by the proceeding. It also includes persons having priority for appointment as personal representative, and other fiduciaries representing interested persons. The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.
- (20) (27) "Lease" includes an oil, gas, or other mineral lease.
- (21) (28) "Letters" includes letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.
- (22) (30) "Mortgage" means any conveyance, agreement or arrangement in which property is used as security.
- (23) (31) "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of death.
- (24) (32) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal entity.
- (25) (35) "Person" means an individual, a corporation, an organization, or other legal entity.
- (26) (36) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.
- (27) (37) "Petition" means a written request to the court for an order after notice.
- (28) (38) "Proceeding" includes action at law and suit in equity.
- (29) (39) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.
- (30) (40) "Protected person" is as described in section 525.54, subdivision 2 1.
- (31) (42) "Registrar" refers to the judge of the court or the person designated by the court to perform the functions of registrar as provided in section 524.1-307.
- (32) (43) "Security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.

(33) (44) "Settlement," in reference to a decedent's estate, includes the full process of administration, distribution and closing.

(34) (45) "Special administrator" means a personal representative as described by sections 524.3-614 to 524.3-618.

(35) (46) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(36) (47) "Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.

(37) (48) "Successors" means those persons, other than creditors, who are entitled to property of a decedent under the decedent's will, this chapter or chapter 525. "Successors" also means a funeral director or county government that provides the funeral and burial of the decedent.

(38) (49) "Supervised administration" refers to the proceedings described in sections 524.3-501 to 524.3-505.

(39) (51) "Testacy proceeding" means a proceeding to establish a will or determine intestacy.

(40) (53) "Trust" includes any express trust, private or charitable, with additions thereto, wherever and however created. It also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. "Trust" excludes other constructive trusts, and it excludes resulting trusts, conservatorships, personal representatives, trust accounts as defined in chapter 528, custodial arrangements pursuant to sections 149.11 to 149.14, 318.01 to 318.06, 527.01 to 527.44, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind, and any arrangement under which a person is nominee or escrowee for another.

(41) (54) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.

(42) (55) "Ward" is as described in section 525.54, subdivision 1.

(43) (56) "Will" includes codicil and any testamentary instrument which merely appoints an executor or revokes or revises another will.

Sec. 2. Minnesota Statutes 1992, section 524.2-101, is amended to read:

524.2-101 [INTESTATE ESTATE.]

~~Except as provided in sections 525.14 and 525.145, and subject to the allowances provided in section 525.15, and the payment of the expenses of administration, funeral expenses, expenses of last illness, taxes, and debts, any part of the estate of a decedent not effectively disposed of by the decedent's will passes to the decedent's heirs as prescribed in sections 524.2-102 to 524.2-114.~~

(a) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in this chapter, except as modified by the decedent's will.

(b) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed his or her intestate share.

Sec. 3. Minnesota Statutes 1992, section 524.2-102, is amended to read:

524.2-102 [SHARE OF THE SPOUSE.]

The intestate share of ~~the~~ a decedent's surviving spouse is:

(1) ~~if there is no surviving issue of the decedent, the entire intestate estate;~~

~~(2) if there are surviving issue all of whom are issue of the surviving spouse also, the first \$70,000, plus one half of the balance of the intestate estate;~~

~~(3) if there are surviving issue one or more of whom are not issue of the surviving spouse, one half of the intestate estate, the entire intestate estate if:~~

~~(i) no descendant of the decedent survives the decedent; or~~

~~(ii) all of the decedent's surviving descendants are also descendants of the surviving spouse and there is no other descendant of the surviving spouse who survives the decedent;~~

~~(2) the first \$150,000, plus one-half of any balance of the intestate estate, if all of the decedent's surviving descendants are also descendants of the surviving spouse and the surviving spouse has one or more surviving descendants who are not descendants of the decedent, or if one or more of the decedent's surviving descendants are not descendants of the surviving spouse.~~

Sec. 4. Minnesota Statutes 1992, section 524.2-103, is amended to read:

524.2-103 [SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE.]

The Any part of the intestate estate not passing to the decedent's surviving spouse under section 524.2-102, or the entire intestate estate if there is no surviving spouse, passes as follows in the following order to the individuals designated below who survive the decedent:

~~(1) to the issue of the decedent; any who are children of the decedent take equally and others~~ decedent's descendants by representation;

~~(2) if there is no surviving issue descendant, to the parent or~~ decedent's parents equally if both survive, or to the surviving parent;

~~(3) if there is no surviving issue descendant or parent, to the issue descendants of the decedent's parents or either of them by representation;~~

~~(4) if there is no surviving issue descendant, parent, or issue descendant of a parent, but the decedent is survived by one or more grandparents or descendants of grandparents, half of the estate passes to the decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the descendants of the decedent's paternal grandparents or either of them if both are deceased, the descendants taking by representation; and the other half passes to the decedent's maternal relatives in the same manner; but if there is no surviving grandparent or descendant of a grandparent on either the paternal or the maternal side, the entire estate passes to the decedent's relatives on the other side in the same manner as the half;~~

~~(5) if there is no surviving descendant, parent, descendant of a parent, grandparent, or descendant of a grandparent, to the next of kin in equal degree, except that when there are two or more collateral kindred in equal degree claiming through different ancestors, those who claim through the nearest ancestor shall take to the exclusion of those claiming through an ancestor more remote.~~

Sec. 5. Minnesota Statutes 1992, section 524.2-104, is amended to read:

524.2-104 [REQUIREMENT THAT HEIR SURVIVE DECEDENT FOR 120 HOURS.]

~~A person~~ An individual who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for purposes of descent of the homestead, exempt property, and intestate succession, and the decedent's heirs are determined accordingly. ~~If the time of death of the decedent or of the person who would otherwise be an heir, or the times of death of both, cannot be determined, and it cannot be is not established that the person an individual who would otherwise be an heir has survived the decedent by 120 hours, it is deemed that the person individual failed to survive for the required period. This section is not to be applied where if its application would result in a taking of intestate estate by the state under section 524.2-105.~~

Sec. 6. Minnesota Statutes 1992, section 524.2-105, is amended to read:

524.2-105 [NO TAKER.]

If there is no taker under the provisions of ~~sections 524.2-102 to 524.2-114~~ this article, the intestate estate passes to the state.

Sec. 7. Minnesota Statutes 1992, section 524.2-106, is amended to read:

524.2-106 [REPRESENTATION.]

~~(a) [APPLICATION.] If representation is called for by sections 524.2-102 to 524.2-114: this article, paragraphs (b) and (c) apply.~~

~~(4) (b) [DECEDENT'S DESCENDANTS.] In the case of issue descendants of the decedent, the estate is divided into as many shares as there are surviving children of the decedent and deceased children who left issue descendants who survive the decedent, each surviving child receiving one share and the share of each deceased child being divided among its issue descendants in the same manner.~~

~~(2) (c) [DESCENDANTS OF PARENTS OR GRANDPARENTS.] In the case of issue of the parents of the decedent (other than issue of the decedent) the If, under section 524.2-103, clause (3) or (4), a decedent's intestate estate or a part thereof passes by "representation" to the descendants of the decedent's deceased parents or either of them or to the descendants of the decedent's deceased paternal or maternal grandparents or either of them, the estate or part thereof is divided in the following manner:~~

~~(1) In the case of descendants of the decedent's deceased parents or either of them, the estate or part thereof is divided into as many equal shares as there are (i) surviving heirs descendants in the generation nearest degree of kinship and the deceased persons in the same degree parents or either of them, and (ii) deceased descendants in the same generation who left issue who survived the decedent surviving descendants, if any. Each surviving heir descendant in the nearest degree receiving generation is allocated one share, and the share of each deceased person in the same degree being divided among the surviving descendants of each deceased person's children, and the descendants of deceased children of that deceased person descendant in the same generation are allocated one share, to be divided in the same manner as specified in clause (1) paragraph (b).~~

~~(2) In the case of descendants of the decedent's deceased paternal or maternal grandparents or either of them, the estate or part thereof is divided into as many equal shares as there are surviving descendants in the generation nearest the deceased grandparents or either of them that contains one or more surviving descendants. Each surviving descendant in the nearest generation is allocated one share.~~

Sec. 8. Minnesota Statutes 1992, section 524.2-108, is amended to read:

524.2-108 [AFTERBORN AFTER-BORN HEIRS.]

~~Relatives of the decedent conceived before death but born thereafter inherit as if they had been born in the lifetime of the decedent. An individual in gestation at a particular time is treated as living at that time if the individual lives 120 hours or more after birth.~~

Sec. 9. Minnesota Statutes 1992, section 524.2-109, is amended to read:

524.2-109 [MEANING OF CHILD AND RELATED TERMS ADVANCEMENTS.]

~~If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:~~

~~(1) An adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent. If a parent dies and a child is subsequently adopted by a stepparent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's issue from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.~~

~~(2) In cases not covered by clause (1), a person is the child of the person's parents regardless of the marital status of the parents and the parent and child relationship may be established under the parentage act, sections 257.51 to 257.74.~~

(a) If an individual dies intestate as to all or a portion of his or her estate, property the decedent gave during the decedent's lifetime to an individual who, at the decedent's death, is an heir is treated as an advancement against the heir's intestate share only if:

(i) the decedent declared in a contemporaneous writing or the heir acknowledged in writing that the gift is an advancement; or

(ii) the decedent's contemporaneous writing or the heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the decedent's intestate estate.

(b) For purposes of paragraph (a), property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of the decedent's death, whichever first occurs.

(c) If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the division and distribution of the decedent's intestate estate, unless the decedent's contemporaneous writing provides otherwise.

Sec. 10. Minnesota Statutes 1992, section 524.2-110, is amended to read:

524.2-110 [ADVANCEMENTS DEBTS TO DECEDENT.]

~~If a person dies intestate as to all the person's estate, property given while living to an heir is treated as an advancement against the latter's share of the estate only if declared in a contemporaneous writing by the decedent or acknowledged in writing by the heir to be an advancement. For this purpose the property advanced is valued as of the time the heir came into possession or enjoyment of the property or as of the time of death of the decedent, whichever first occurs. If the recipient of the property fails to survive the decedent, the property is not taken into account in computing the intestate share to be received by the recipient's issue, unless the declaration or acknowledgment provides otherwise. A debt owed to a decedent is not charged against the intestate share of any individual except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's descendants.~~

Sec. 11. Minnesota Statutes 1992, section 524.2-111, is amended to read:

524.2-111 [DEBTS TO DECEDENT ALIENAGE.]

~~A debt owed to the decedent is not charged against the intestate share of any person except the debtor. If the debtor fails to survive the decedent, the debt is not taken into account in computing the intestate share of the debtor's issue. No individual is disqualified to take as an heir because the individual or an individual through whom he or she claims is or has been an alien.~~

Sec. 12. Minnesota Statutes 1992, section 524.2-113, is amended to read:

524.2-113 [PERSONS INDIVIDUALS RELATED TO DECEDENT THROUGH TWO LINES.]

~~A person~~ An individual who is related to the decedent through two lines of relationship is entitled to only a single share based on the relationship ~~which that~~ which would entitle ~~such person~~ the individual to the larger share.

Sec. 13. Minnesota Statutes 1992, section 524.2-114, is amended to read:

524.2-114 [INSTRUMENTS REFERENCING INTESTACY LAWS MEANING OF CHILD AND RELATED TERMS.]

~~If a maker has executed a will or other instrument on or before December 31, 1986, which directs disposition of all or part of the estate pursuant to the intestacy laws of the state of Minnesota, the laws to be applied shall be in accordance with the laws of intestate succession in effect on or before December 31, 1986, unless the will or instrument directs otherwise. If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:~~

(1) An adopted person is the child of an adopting parent and not of the natural parents except that adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent. If a parent dies and a child is subsequently adopted by a stepparent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's descendant from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.

(2) In cases not covered by clause (1), a person is the child of the person's parents regardless of the marital status of the parents and the parent and child relationship may be established under the parentage act, sections 257.51 and 257.74.

Sec. 14. [524.2-115] [INSTRUMENTS REFERENCING INTESTACY LAWS.]

If a maker has executed a will or other instrument before the effective date of this act which directs disposition of all or part of the estate pursuant to the intestacy laws of the state of Minnesota, the laws to be applied shall be in accordance with the laws of intestate succession in effect on the date of the will or other instrument, unless the will or instrument directs otherwise.

Part 2

ELECTIVE SHARE OF SURVIVING SPOUSE

Sec. 15. [524.2-201] [DEFINITIONS.]

In this part:

(1) As used in sections other than section 524.2-205, "decendent's nonprobate transfers to others" means the amounts that are included in the augmented estate under section 524.2-205.

(2) "Interest in property held with right of survivorship" means the severable interest owned by the person or persons whose interest is being determined in property held in joint tenancy or in other form of common ownership with a right of survivorship. The interest shall be identified and valued as of the time immediately prior to the death of the decedent or the date of the transfer which causes the property to be included in the augmented estate, as the case may be. In the case of an account described in article VI, part 2, the severable interest owned by the person is the amount which belonged to the person determined under section 524.6-203. In the case of property described in article VI, part 3, the severable interest owned by the person is the amount consistent with section 524.6-306.

(3) "Marriage," as it relates to a transfer by the decedent during marriage, means any marriage of the decedent to the decedent's surviving spouse.

(4) "Nonadverse party" means a person who does not have a substantial beneficial interest in the trust or other property arrangement that would be adversely affected by the exercise or nonexercise of the power that he or she possesses respecting the trust or other property arrangement. A person having a general power of appointment over property is deemed to have a beneficial interest in the property.

(5) "Power" or "power of appointment" includes a power to designate the beneficiary of an insurance policy or other contractual arrangement.

(6) "Presently exercisable general power of appointment" means a power possessed by a person at the time in question to create a present or future interest in the person, in the person's creditors, in the person's estate, or in the creditor of the person's estate, whether or not the person then had the capacity to exercise the power. "General power of appointment" means a power, whether or not presently exercisable, possessed by a person to create a present or future interest in the person, in the person's creditors, in the person's estate, or in creditors of the person's estate.

(7) "Probate estate" means property that would pass by intestate succession if the decedent dies without a valid will.

(8) "Property" includes values subject to a beneficiary designation.

(9) "Right to income" includes a right to payments under a commercial or private annuity, an annuity trust, a unitrust, or a similar arrangement.

(10) "Transfer" includes: (i) the exercise, release, or lapse of a general power of appointment created by the decedent alone or in conjunction with any other person, or exercisable by a nonadverse party; and (ii) the exercise or release by the decedent of a presently exercisable general power of appointment created by someone other than the decedent. "Transfer" does not include the lapse, other than a lapse at death, of a power described in clause (ii).

(11) "Bona fide purchaser" means a purchaser for value in good faith and without notice or actual knowledge of an adverse claim, or a person who receives a payment or other item of property in partial or full satisfaction of a legally enforceable obligation in good faith without notice of an adverse claim. In the case of real property located in Minnesota purchased from a successor or successors in interest of a decedent, the purchaser is without notice of an adverse claim arising under this part or, if the decedent was not domiciled in Minnesota at the time of death, arising under similar provisions of the law of the decedent's domicile, unless the decedent's surviving spouse has filed a notice in the office of the county recorder of the county in which the real property is located or, if the property is registered land, in the office of the registrar of titles of the county in which the real property is located, containing the legal description of the property, a brief statement of the nature and extent of the interest claimed, and the venue, title, and file number of the proceeding for an elective share, if any has been commenced. The registrar of titles is authorized to accept for registration without production of the owner's duplicate of the certificate of title any such notice which relates to registered land.

Sec. 16. [524.2-202] [ELECTIVE SHARE.]

(a) [ELECTIVE SHARE AMOUNT.] The surviving spouse of a decedent who dies domiciled in this state has a right of election, under the limitations and conditions stated in this part, to take an elective-share amount equal to the value of the elective-share percentage of the augmented estate, determined by the length of time the spouse and the decedent were married to each other, in accordance with the following schedule:

If the decedent and the spouse were married to each other:

Less than one year

One year but less than two years

Two years but less than three years

Three years but less than four years

Four years but less than five years

Five years but less than six years

Six years but less than seven years

Seven years but less than eight years

Eight years but less than nine years

Nine years but less than ten years

Ten years but less than 11 years

11 years but less than 12 years

12 years but less than 13 years

13 years but less than 14 years

14 years but less than 15 years

15 years or more

The elective-share percentage is:

Supplemental amount only

Three percent of the augmented estate

Six percent of the augmented estate

Nine percent of the augmented estate

12 percent of the augmented estate

15 percent of the augmented estate

18 percent of the augmented estate

21 percent of the augmented estate

24 percent of the augmented estate

27 percent of the augmented estate

30 percent of the augmented estate

34 percent of the augmented estate

38 percent of the augmented estate

42 percent of the augmented estate

46 percent of the augmented estate

50 percent of the augmented estate

(b) [SUPPLEMENTAL ELECTIVE-SHARE AMOUNT.] If the sum of the amounts described in sections 524.2-207, 524.2-209, paragraph (a), clause (1), and that part of the elective-share amount payable from the decedent's probate estate and nonprobate transfers to others under section 524.2-209, paragraphs (b) and (c), is less than \$50,000, the surviving spouse is entitled to a supplemental elective-share amount equal to \$50,000, minus the sum of the amounts described in those sections. The supplemental elective-share amount is payable from the decedent's probate estate and from recipients of the decedent's nonprobate transfers to others in the order of priority set forth in section 524.2-209, paragraphs (b) and (c).

(c) [EFFECT OF ELECTION ON STATUTORY BENEFITS.] If the right of election is exercised by or on behalf of the surviving spouse, the surviving spouse's homestead rights and other allowances under sections 524.2-402, 524.2-403 and 524.2-404, if any, are not charged against but are in addition to the elective-share and supplemental elective-share amounts.

(d) [NONDOMICILIARY.] The right, if any, of the surviving spouse of a decedent who dies domiciled outside this state to take an elective share in property in this state is governed by the law of the decedent's domicile at death.

Sec. 17. [524.2-203] [COMPOSITION OF THE AUGMENTED ESTATE.]

Subject to section 524.2-208, the value of the augmented estate, to the extent provided in sections 524.2-204, 524.2-205, 524.2-206, and 524.2-207, consists of the sum of the values of all property, whether real or personal, movable or immovable, tangible or intangible, wherever situated, that constitute the decedent's net probate estate, the decedent's nonprobate transfers to others, the decedent's nonprobate transfers to the surviving spouse, and the surviving spouse's property and nonprobate transfers to others.

Sec. 18. [524.2-204] [DECEDENT'S NET PROBATE ESTATE.]

The value of the augmented estate includes the value of the decedent's probate estate, reduced by funeral and administration expenses, the homestead, family allowances and exemptions, liens, mortgages, and enforceable claims.

Sec. 19. [524.2-205] [DECEDENT'S NONPROBATE TRANSFERS TO OTHERS.]

The value of the augmented estate includes the value of the decedent's nonprobate transfers to others, other than the homestead, of any of the following types, in the amount provided respectively for each type of transfer.

(1) Property owned or owned in substance by the decedent immediately before death that passed outside probate at the decedent's death. Property included under this category consists of:

(i) Property over which the decedent alone, immediately before death, held a presently exercisable general power of appointment. The amount included is the value of the property subject to the power, to the extent the property passed at the decedent's death, by exercise, release, lapse, default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse.

(ii) The decedent's interest in property held with the right of survivorship. The amount included is the value of the decedent's interest, to the extent the interest passed by right of survivorship at the decedent's death to someone other than the decedent's surviving spouse.

(iii) Proceeds of insurance, including accidental death benefits, on the life of the decedent, if the decedent owned the insurance policy immediately before death or if and to the extent the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds. The amount included is the value of the proceeds, to the extent they were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

(iv) The value payable after the decedent's death to or for the benefit of any person other than the decedent's surviving spouse of the proceeds of annuity contracts under which the decedent was the primary annuitant. The amount included is any amount over which the person has an immediate right of withdrawal after the decedent's death plus the commuted value of other amounts payable in the future.

(v) The value payable after the decedent's death to or for the benefit of any person other than the decedent's surviving spouse of amounts under any public or private pension, disability compensation, benefit, or retirement plan or account, excluding the federal Social Security system. The amount included is any amount over which the person has an immediate right of withdrawal after the decedent's death plus the commuted value of other amounts payable in the future.

(2) Property transferred in any of the following forms by the decedent during marriage, to the extent not included under paragraph (1):

(i) Any irrevocable transfer in which the decedent retained the right to the possession or enjoyment of, or to the income from, the property if and to the extent the decedent's right terminated at or continued beyond the decedent's death. The amount included is the value of the fraction of the property to which the decedent's right related, to the extent the fraction of the property passed outside probate to or for the benefit of any person other than the decedent's estate or surviving spouse.

(ii) Any transfer in which the decedent created a general power of appointment over income or property exercisable by the decedent alone or in conjunction with any other person, or exercisable by a nonadverse party. The amount included with respect to a power over property is the value of the property subject to the power, and the amount included with respect to a power over income is the value of the property that produces or produced the income, to the extent in either case that the property passed at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse. If the power is a power over both income and property and the preceding sentence produces different amounts, the amount included is the greater amount.

(3) Property that passed during marriage and during the two-year period next preceding the decedent's death as a result of a transfer by the decedent if the transfer was of any of the following types:

(i) Any property that passed as a result of the termination of a right or interest in, or power over, property that would have been included in the augmented estate under paragraph (1), clause (i), (ii), (iv), or (v), or under paragraph (2), if the right, interest, or power had not terminated until the decedent's death. The amount included is the value of the property that would have been included under those paragraphs if the property were valued at the time the right, interest, or power terminated, and is included only to the extent the property passed upon termination to or for the benefit of any person other than the decedent or the decedent's estate, spouse, or surviving spouse. As used in this paragraph, "termination," with respect to a right or interest in property, occurs when the power is terminated by exercise, release, default, or otherwise, but with respect to a power described in paragraph (1), clause (i), "termination" occurs when the power is terminated by exercise or release, but not otherwise.

(ii) Any transfer of or relating to an insurance policy on the life of the decedent if the proceeds would have been included in the augmented estate under paragraph (1), clause (iii), had the transfer not occurred. The amount included is the value of the insurance proceeds to the extent the proceeds were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

(iii) Any transfer of property, to the extent not otherwise included in the augmented estate, made to or for the benefit of a person other than the decedent's surviving spouse. The amount included is the value of the transferred property to the extent the aggregate transfers to any one donee in either of the two years exceeded \$10,000.

Sec. 20. [524.2-206] [DECEDENT'S NONPROBATE TRANSFERS TO THE SURVIVING SPOUSE.]

Excluding the homestead and property passing to the surviving spouse under the federal Social Security system, the value of the augmented estate includes the value of the decedent's nonprobate transfers to the decedent's spouse, which consists of all property that passed outside probate at the decedent's death from the decedent to the surviving spouse by reason of the decedent's death that would have been included in the augmented estate under section 524.2-205, paragraph (1) or (2), had the property passed to or for the benefit of a person other than the decedent's spouse, the decedent, or the decedent's creditors, estate, or estate creditors.

Sec. 21. [524.2-207] [SURVIVING SPOUSE'S PROPERTY AND NONPROBATE TRANSFERS TO OTHERS.]

(a) [INCLUDED PROPERTY.] Except to the extent included in the augmented estate under section 524.2-204 or 524.2-206, the value of the augmented estate includes the value of:

(1) property, other than the homestead, that was owned by the surviving spouse at the decedent's death, including the surviving spouse's interest in property held with right of survivorship; and

(2) property that would have been included in the surviving spouse's nonprobate transfers to others, other than the spouse's interest in property held with right of survivorship included under clause (1), had the spouse been the decedent.

(b) [TIME OF VALUATION.] Property included under this section is valued at the decedent's death, taking the fact that the decedent predeceased the spouse into account, but, for purposes of the surviving spouse's interest in property held with right of survivorship included under paragraph (a), clause (1), the value of the spouse's interest is determined immediately before the decedent's death if the decedent was then a joint tenant or a coowner of the property or accounts. For purposes of paragraph (a), clause (2), proceeds of insurance that would have been included in the spouse's nonprobate transfers to others under section 524.2-205, paragraph (1), clause (iii), are not valued as if the spouse were deceased.

(c) [REDUCTION FOR ENFORCEABLE CLAIMS.] The value of property included under this section is reduced by mortgages, liens, and enforceable claims against the property or against the surviving spouse.

Sec. 22. [524.2-208] [EXCLUSIONS, VALUATION, AND OVERLAPPING APPLICATION.]

(a) [EXCLUSIONS.] The value of any property is excluded from the decedent's nonprobate transfers to others (i) to the extent the decedent received adequate and full consideration in money or money's worth for a transfer of the property, or (ii) if the property was transferred with the written joinder of, or if the transfer was consented to in writing by, the surviving spouse.

(b) [PROTECTION OF BONA FIDE PURCHASERS.] A bona fide purchaser who purchases property from a successor or successors in interest of the decedent or from a transferee of the decedent is neither obligated under this part to return the payment, item of property, or benefit nor is liable under this part for the amount of the payment or the value of the item of property or benefit.

(c) [VALUATION.] The value of property:

(1) included in the augmented estate under section 524.2-205, 524.2-206, or 524.2-207 is reduced in each category by mortgages, liens, and enforceable claims against the included property; and

(2) includes the commuted value of any present or future interest and the commuted value of amounts payable under any trust, life insurance settlement option, annuity contract, public or private pension, disability compensation, death benefit or retirement plan, or any similar arrangement, exclusive of the federal Social Security system. The commuted value of the surviving spouse's interest in a life estate or in any trust shall be calculated as if worth one-half of the total value of the property subject to the life estate, or of the trust estate, unless higher or lower values for these interests are established by proof.

(d) [OVERLAPPING APPLICATION; NO DOUBLE INCLUSION.] In case of overlapping application to the same property of portions of section 524.2-205, 524.2-206, or 524.2-207, the property is included in the augmented estate under the provision yielding the greatest value, and under only one overlapping provision if they all yield the same value.

Sec. 23. [524.2-209] [SOURCES FROM WHICH ELECTIVE SHARE PAYABLE.]

(a) [ELECTIVE-SHARE AMOUNT ONLY.] In a proceeding for an elective share, the following are applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's nonprobate transfers to others:

(1) amounts included in the augmented estate under section 524.2-204 which pass or have passed to the surviving spouse by testate or intestate succession and amounts included in the augmented estate under section 524.2-206;

(2) amounts included in the augmented estate which would have passed to the spouse but were disclaimed; and

(3) amounts included in the augmented estate under section 524.2-207 up to the applicable percentage thereof. For the purposes of this paragraph, the "applicable percentage" is twice the elective-share percentage set forth in the schedule in section 524.2-202, paragraph (a), appropriate to the length of time the spouse and the decedent were married to each other.

(b) [UNSATISFIED BALANCE OF ELECTIVE-SHARE AMOUNT; SUPPLEMENTAL ELECTIVE-SHARE AMOUNT.] If, after the application of paragraph (a), the elective-share amount is not fully satisfied or the surviving spouse is entitled to a supplemental elective-share amount, amounts included in the decedent's probate estate and in the decedent's nonprobate transfers to others, other than amounts included under section 524.2-205, paragraph (3), clause (i) or (iii), are applied first to satisfy the unsatisfied balance of the elective-share amount or the supplemental

elective-share amount. The decedent's probate estate and that portion of the decedent's nonprobate transfers to others are so applied that liability for the unsatisfied balance of the elective-share amount or for the supplemental elective-share amount is equitably apportioned among the recipients of the decedent's probate estate and of that portion of the decedent's nonprobate transfers to others in proportion to the value of their interests therein.

(c) [UNSATISFIED BALANCE OF ELECTIVE-SHARE AND SUPPLEMENTAL ELECTIVE-SHARE AMOUNTS.] If, after the application of paragraphs (a) and (b), the elective-share or supplemental elective-share amount is not fully satisfied, the remaining portion of the decedent's nonprobate transfers to others is so applied that liability for the unsatisfied balance of the elective-share or supplemental elective-share amount is equitably apportioned among the recipients of the remaining portion of the decedent's nonprobate transfers to others in proportion to the value of their interests therein.

Sec. 24. [524.2-210] [PERSONAL LIABILITY OF RECIPIENTS.]

(a) Only original recipients of the decedent's nonprobate transfers to others, and the donees of the recipients of the decedent's nonprobate transfers to others, to the extent the donees have the property or its proceeds, are liable to make a proportional contribution toward satisfaction of the surviving spouse's elective-share or supplemental elective-share amount. A person liable to make contribution may choose to give up the proportional part of the decedent's nonprobate transfers to him or her or to pay the value the amount for which he or she is liable.

(b) If any section or part of any section of this part is preempted by federal law with respect to a payment, an item of property, or any other benefit included in the decedent's nonprobate transfers to others, a person who is not a bona fide purchaser and who receives the payment, item of property, or any other benefit is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of that item of property or benefit, as provided in section 524.2-209, to the person who would have been entitled to it were that section or part of that section not preempted.

Sec. 25. [524.2-211] [PROCEEDING FOR ELECTIVE SHARE; TIME LIMIT.]

(a) Except as provided in paragraph (b), the election must be made by filing in the court and mailing or delivering to the personal representative, if any, a petition for the elective share within nine months after the date of the decedent's death, or within six months after the probate of the decedent's will, whichever limitation later expires. The surviving spouse must give notice of the time and place set for hearing to persons interested in the estate and to the distributees and recipients of portions of the augmented estate whose interests will be adversely affected by the taking of the elective share. Except as provided in paragraph (b), the decedent's nonprobate transfers to others are not included within the augmented estate for the purpose of computing the elective share, if the petition is filed more than nine months after the decedent's death.

(b) Within nine months after a decedent's death, the surviving spouse may petition the court for an extension of time for making an election. If, within nine months after the decedent's death, the spouse gives notice of the petition to all persons interested in the decedent's nonprobate transfers to others, the court for cause shown by the surviving spouse may extend the time for election. If the court grants the spouse's petition for an extension, the decedent's nonprobate transfers to others are not excluded from the augmented estate for the purpose of computing the elective-share and supplemental elective-share amounts, if the spouse makes an election by filing in the court and mailing or delivering to the personal representative, if any, a petition for the elective share within the time allowed by the extension.

(c) The surviving spouse may withdraw his or her demand for an elective share at any time before entry of a final determination by the court.

(d) After notice and hearing, the court shall determine the elective-share and supplemental elective-share amounts, and shall order its payment from the assets of the augmented estate or by contribution as appears appropriate under sections 524.2-209 and 524.2-210. If it appears that a fund or property included in the augmented estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than he or she would have been under sections 524.2-209 and 524.2-210 had relief been secured against all persons subject to contribution.

(e) An order of judgment of the court may be enforced as necessary in suit for contribution or payment in other courts of this state or other jurisdictions.

(f) Whether or not an election has been made under paragraph (a), the surviving spouse may elect statutory rights in the homestead by filing in the manner provided in this section a petition in which the spouse asserts the rights provided in section 524.2-402, provided that:

(1) when the homestead is subject to a testamentary disposition, the filing must be within nine months after the date of death, or within six months after the probate of the decedent's will, whichever limitation last expires; or

(2) where the homestead is subject to other disposition, the filing must be within nine months after the date of death.

The court may extend the time for election in the manner provided in paragraph (b).

Sec. 26. [524.2-212] [RIGHT OF ELECTION PERSONAL TO SURVIVING SPOUSE.]

The right of election of the surviving spouse may be exercised only during the surviving spouse's lifetime. In the case of a protected person, the right of election may be exercised only by order of the court in which protective proceedings as to the protected person's property are pending, after finding (1) that exercise is necessary to provide adequate support for the protected person during the protected person's probable life expectancy and (2) that the election will be consistent with the best interests of the natural bounty of the protected person's affection.

Sec. 27. [524.2-213] [WAIVER OF RIGHT TO ELECT AND OF OTHER RIGHTS.]

The right of election of a surviving spouse and the rights of the surviving spouse to the homestead, exempt property, and family allowance, or any of them, may be waived, wholly or partially, after marriage, by a written contract, agreement, or waiver signed by the party waiving after fair disclosure. Unless it provides to the contrary, a waiver of "all rights," or equivalent language, in the property or estate of a spouse is a waiver only of the right to the elective share. Any waiver prior to marriage must be made pursuant to section 519.11.

Sec. 28. [524.2-214] [PROTECTION OF PAYORS AND OTHER THIRD PARTIES.]

(a) Although under section 524.2-205 a payment, item of property, or other benefit is included in the decedent's nonprobate transfers to others, a payor or other third party is not liable for having made a payment or transferred an item of property or other benefit to a beneficiary designated in a governing instrument, or for having taken any other action in good faith reliance on the validity of a governing instrument, upon request and satisfactory proof of the decedent's death, before the payor or other third party received written notice from the surviving spouse or spouse's representative of an intention to file a petition for the elective share or that a petition for the elective share has been filed. A payor or other third party is liable for payments made or other actions taken after the payor or other third party received written notice of an intention to file a petition for the elective share or that a petition for the elective share has been filed.

(b) A written notice of intention to file a petition for the elective share or that a petition for the elective share has been filed must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of intention to file a petition for the elective share or that a petition for the elective share has been filed, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under section 524.2-211, paragraph (d), shall order disbursement in accordance with the determination. If no petition is filed in the court within the specified time under section 524.2-211, paragraph (a), or, if filed, the demand for an elective share is withdrawn under section 524.2-211, paragraph (c), the court shall order disbursement to the designated beneficiary. Payments or transfers to the court or deposits made into court discharge the payor or other third party from all claims for amounts so paid or the value of property so transferred or deposited.

(c) Upon petition to the court described in paragraph (b) by the beneficiary designated in the governing instrument, the court may order that all or part of the property be paid to the beneficiary in an amount and subject to conditions consistent with this part.

Sec. 29. Minnesota Statutes 1992, section 524.2-301, is amended to read:

524.2-301 [OMITTED ENTITLEMENT OF SPOUSE; PREMARITAL WILL.]

~~(a) If a testator fails to provide by will for a surviving spouse who married the testator after the execution of the will, the omitted spouse shall receive the same share of the estate as if the decedent left no will unless it appears from the will that the omission was intentional or the testator provided for the spouse by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the testator or from the amount of the transfer or other evidence.~~

~~(b) In satisfying a share provided by this section, the devises made by the will abate as provided in section 524.3-902.~~

(a) If a testator's surviving spouse married the testator after the testator executed his or her will, the surviving spouse is entitled to receive, as an intestate share, no less than the value of the share of the estate he or she would have received if the testator had died intestate as to that portion of the testator's estate, if any, that neither is devised to a child of the testator who was born before the testator married the surviving spouse and who is not a child of the surviving spouse nor is devised to a descendant of such a child or passes under section 524.2-603 or 524.2-604 to such a child or to a descendant of such a child, unless:

(1) it appears from the will or other evidence that the will was made in contemplation of the testator's marriage to the surviving spouse;

(2) the will expresses the intention that it is to be effective notwithstanding any subsequent marriage; or

(3) the testator provided for the spouse by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

(b) In satisfying the share provided by this section, devises made by the will to the testator's surviving spouse, if any, are applied first, and other devises, other than a devise to a child of the testator who was born before the testator married the surviving spouse and who is not a child of the surviving spouse or a devise or substitute gift under section 524.2-603 or 524.2-604 to a descendant of such a child, abate as provided in section 524.3-902.

Sec. 30. Minnesota Statutes 1992, section 524.2-302, is amended to read:

524.2-302 [PRETERMITTED OMITTED CHILDREN.]

~~(a) If a testator fails to provide for any child born or adopted after the execution of the testator's will, the omitted child receives a share in the estate equal in value to that which that child would have received if the testator had died intestate unless:~~

~~(1) it appears from the will that the omission was intentional;~~

~~(2) when the will was executed the testator had one or more children and devised substantially all the estate to the other parent of the omitted child; or~~

~~(3) the testator provided for the child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the testator or from the amount of the transfer or other evidence.~~

~~(b) If at the time of execution of the will the testator fails to provide for a living child solely because of a belief that the child is dead, the child receives a share in the estate equal in value to that which that child would have received if the testator had died intestate.~~

~~(c) In satisfying a share provided by this section, the devises made by the will abate as provided in section 524.3-902.~~

(a) Except as provided in paragraph (b), if a testator fails to provide in his or her will for any of his or her children born or adopted after the execution of the will, the omitted after-born or after-adopted child receives a share in the estate as follows:

(1) If the testator had no child living when he or she executed the will, an omitted after-born or after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised all or substantially all the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.

(2) If the testator had one or more children living when he or she executed the will, and the will devised property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child is entitled to share in the testator's estate as follows:

(i) The portion of the testator's estate in which the omitted after-born or after-adopted child is entitled to share is limited to devises made to the testator's then-living children under the will.

(ii) The omitted after-born or after-adopted child is entitled to receive the share of the testator's estate, as limited in subclause (i), that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises were made under the will and had given an equal share of the estate to each child.

(iii) To the extent feasible, the interest granted an omitted after-born or after-adopted child under this section must be of the same character, whether equitable or legal, present or future, as that devised to the testator's then-living children under the will.

(iv) In satisfying a share provided by this paragraph, devises to the testator's children who were living when the will was executed abate ratably. In abating the devises of the then-living children, the court shall preserve to the maximum extent possible the character of the testamentary plan adopted by the testator.

(b) Neither paragraph (a), clause (1) or (2), nor paragraph (c), applies if:

(1) it appears from the will that the omission was intentional; or

(2) the testator provided for the omitted after-born or after-adopted child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence.

(c) If at the time of execution of the will the testator fails to provide in his or her will for a living child solely because he or she believes the child to be dead, the child receives a share in the estate equal in value to that which the child would have received had the testator died intestate.

(d) In satisfying a share provided by paragraph (a), clause (1), or (c), devises made by the will abate under section 524.3-902.

Part 4

EXEMPT PROPERTY AND ALLOWANCES

Sec. 31. [524.2-401] [APPLICABLE LAW.]

This part applies to the estate of a decedent who dies domiciled in this state. Rights to homestead, exempt property, and family allowance for a decedent who dies not domiciled in this state are governed by the law of the decedent's domicile at death.

Sec. 32. [524.2-402] [DESCENT OF HOMESTEAD.]

(a) If there is a surviving spouse, the homestead, including a manufactured home which is the family residence, descends free from any testamentary or other disposition of it to which the spouse has not consented in writing or as provided by law, as follows:

(1) if there is no surviving descendant of decedent, to the spouse; or

(2) if there are surviving descendants of decedent, then to the spouse for the term of the spouse's natural life and the remainder in equal shares to the decedent's descendants by representation.

(b) If there is no surviving spouse and the homestead has not been disposed of by will it descends as other real estate.

(c) If the homestead passes by descent or will to the spouse or decedent's descendants, it is exempt from all debts which were not valid charges on it at the time of decedent's death except that the homestead is subject to a claim filed pursuant to section 246.53 for state hospital care or 256B.15 for medical assistance benefits. If the homestead passes to a person other than a spouse or decedent's descendants, it is subject to the payment of the items mentioned in section 524.2-101. No lien or other charge against a homestead so exempted is enforceable in the probate court, but the claimant may enforce the lien or charge by an appropriate action in the district court.

(d) For purposes of this section, except as provided in section 524.2-301, the surviving spouse is deemed to consent to any testamentary or other disposition of the homestead to which the spouse has not previously consented in writing unless the spouse files in the manner provided in section 524.2-211, paragraph (f), a petition that asserts the homestead rights provided to the spouse by this section.

Sec. 33. [524.2-403] [EXEMPT PROPERTY.]

(a) If there is a surviving spouse, then, in addition to the homestead and family allowance, the surviving spouse is entitled from the estate to:

(1) property not exceeding \$10,000 in value in excess of any security interests therein, in household furniture, furnishings, appliances, and personal effects, subject to an award of sentimental value property under section 525.152; and

(2) one automobile, if any, without regard to value.

(b) If there is no surviving spouse, the decedent's children are entitled jointly to the same property as provided in paragraph (a).

(c) If encumbered chattels are selected and the value in excess of security interests, plus that of other exempt property, is less than \$10,000, or if there is not \$10,000 worth of exempt property in the estate, the surviving spouse or children are entitled to other personal property of the estate, if any, to the extent necessary to make up the \$10,000 value.

(d) Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate, but the right to any assets to make up a deficiency of exempt property abates as necessary to permit earlier payment of the family allowance.

(e) The rights granted by this section are in addition to any benefit or share passing to the surviving spouse or children by the decedent's will, unless otherwise provided by intestate succession or by way of elective share.

Sec. 34. [524.2-404] [FAMILY ALLOWANCE.]

(a) In addition to the right to the homestead and exempt property, the decedent's surviving spouse and minor children whom the decedent was obligated to support, and children who were in fact being supported by the decedent, shall be allowed a reasonable family allowance in money out of the estate for their maintenance as follows:

(1) for one year if the estate is inadequate to discharge allowed claims; or

(2) for 18 months if the estate is adequate to discharge allowed claims.

(b) The amount of the family allowance may be determined by the personal representative in an amount not to exceed \$1,500 per month.

(c) The family allowance is payable to the surviving spouse, if living; otherwise to the children, their guardian or conservator, or persons having their care and custody.

(d) The family allowance is exempt from and has priority over all claims.

(e) The family allowance is not chargeable against any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided, by intestate succession or by way of elective share. The death of any person entitled to family allowance does not terminate the right of that person to the allowance.

(f) The personal representative or an interested person aggrieved by any determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief, which may include a family allowance other than that which the personal representative determined or could have determined.

Sec. 35. [524.2-405] [SOURCE, DETERMINATION, AND DOCUMENTATION.]

(a) If the estate is otherwise sufficient, property specifically devised may not be used to satisfy rights to exempt property. Subject to this restriction, the surviving spouse, guardians or conservators of minor children, or children who are adults may select property of the estate as exempt property. The personal representative may make those selections if the surviving spouse, the children, or the guardians of the minor children are unable or fail to do so within a reasonable time or there is no guardian of a minor child.

(b) The personal representative may execute an instrument or deed of distribution to establish the ownership of property taken as exempt property.

(c) The personal representative or an interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief, which may include a selection or determination under this section other than that which the surviving spouse, guardians or conservators of minor children, children who are adults, or the personal representative selected, could have selected, determined, or could have determined.

Sec. 36. Minnesota Statutes 1992, section 524.2-502, is amended to read:

524.2-502 [EXECUTION; WITNESSED WILLS.]

~~Except as provided for writings within section 524.2-513 and wills within section 524.2-506, every will shall be in writing signed by the testator or in the testator's name by some other person in the testator's presence and by the testator's direction, and shall be signed by at least two persons each of whom witnessed either the signing or the testator's acknowledgment of the signature or of the will. Except as provided in sections 524.2-506 and 524.2-513, a will must be:~~

(1) in writing;

(2) signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction; and

(3) signed by at least two individuals, each of whom signed within a reasonable time after he or she witnessed either the signing of the will as described in clause (2) or the testator's acknowledgment of that signature or acknowledgment of the will.

Sec. 37. Minnesota Statutes 1992, section 524.2-504, is amended to read:

524.2-504 [SELF-PROVED WILL.]

~~An attested will may at the time of its execution or at any subsequent date be made self-proved, by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state, or under the laws of the state where execution occurs, and evidenced by the officer's certificate, under official seal, attached or annexed to the will in form and content substantially as follows:~~

THE STATE OF

COUNTY OF

~~We,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as the testator's last will, that the testator signed it willingly or directed another~~

to sign it for the testator, that it was executed as a free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witnesses, and that to the best of their knowledge the testator was at the time 18 or more years of age, of sound mind and under no constraint or undue influence.

.....
Testator

.....
Witness

.....
Witness

Subscribed, sworn to and acknowledged before me by, the testator, and subscribed and sworn to before me by and, witnesses, this ... day of,

(SEAL)

(Signed).....

.....
(Official capacity of officer)

(a) A will may be contemporaneously executed, attested, and made self-proved, by acknowledgment thereof by the testator and affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state in which execution occurs and evidenced by the officer's certificate, under official seal, in substantially the following form:

I,, the testator, sign my name to this instrument this ... day of, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

.....
Testator

We,, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as the testator's will and that the testator signs it willingly (or willingly directs another to sign for the testator), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

.....
Witness

.....
Witness

State of

County of

Subscribed, sworn to, and acknowledged before me by, the testator, and subscribed and sworn to before me by, and, witnesses, this ... day of,

(Seal)

(Signed).....

.....
(Official capacity of officer)

(b) An attested will may be made self-proved at any time after its execution by the acknowledgment thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of the state in which the acknowledgment occurs and evidenced by the officer's certificate, under the official seal, attached or annexed to the will in substantially the following form:

State of

County of

We,, and, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that the testator had signed willingly (or willingly directed another to sign for the testator), and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed, and each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of the witness' knowledge the testator was at the time 18 years of age or older, of sound mind, and under no constraint or undue influence.

.....
Testator

.....
Witness

.....
Witness

Subscribed, sworn to, and acknowledged before me by, the testator, and subscribed and sworn to before me by, and, witnesses, this ... day of, ... :

(Seal)

(Signed).....

.....

(Official capacity of officer)

(c) A signature affixed to a self-proving affidavit attached to a will is considered a signature affixed to the will, if necessary to prove the will's due execution.

Sec. 38. Minnesota Statutes 1992, section 524.2-505, is amended to read:

524.2-505 [WHO MAY WITNESS.]

(a) ~~Any person~~ An individual generally competent to be a witness may act as a witness to a will.

~~(b) A will is not invalid because the will is signed~~ The signing of a will by an interested witness does not invalidate the will or any provision of it.

Sec. 39. Minnesota Statutes 1992, section 524.2-507, is amended to read:

524.2-507 [REVOCATION BY WRITING OR BY ACT.]

(a) A will or any part thereof is revoked:

(1) by a subsequent will which revokes the prior will or part expressly or by inconsistency; or

~~(2) by being burned, torn, canceled, obliterated, or destroyed, with the intent and for the purpose of revoking it by the testator or by another person in the testator's presence and by the testator's direction, by executing a subsequent will that revokes the previous will or part expressly or by inconsistency; or~~

(2) by performing a revocatory act on the will, if the testator performed the act with the intent and for the purpose of revoking the will or part or if another individual performed the act in the testator's conscious presence and by the testator's direction. For purposes of this clause, "revocatory act on the will" includes burning, tearing, canceling, obliterating, or destroying the will or any part of it. A burning, tearing, or canceling may be a "revocatory act on the will," whether or not the burn, tear, or cancellation touched any of the words on the will.

(b) If a subsequent will does not expressly revoke a previous will, the execution of the subsequent will wholly revokes the previous will by inconsistency if the testator intended the subsequent will to replace rather than supplement the previous will.

(c) The testator is presumed to have intended a subsequent will to replace rather than supplement a previous will if the subsequent will makes a complete disposition of the testator's estate. If this presumption arises and is not rebutted by clear and convincing evidence, the previous will is revoked; only the subsequent will is operative on the testator's death.

(d) The testator is presumed to have intended a subsequent will to supplement rather than replace a previous will if the subsequent will does not make a complete disposition of the testator's estate. If this presumption arises and is not rebutted by clear and convincing evidence, the subsequent will revokes the previous will only to the extent the subsequent will is inconsistent with the previous will; each will is fully operative on the testator's death to the extent they are not inconsistent.

Sec. 40. Minnesota Statutes 1992, section 524.2-508, is amended to read:

524.2-508 [REVOCATION BY DISSOLUTION OF MARRIAGE; NO REVOCATION BY OTHER CHANGES OF CIRCUMSTANCES.]

If after executing a will the testator's marriage is dissolved or annulled, the dissolution or annulment revokes any disposition or appointment of property made by the will to the former spouse, any provision conferring a general or special power of appointment on the former spouse, and any nomination of the former spouse as executor, trustee, conservator, or guardian, unless the will expressly provides otherwise. Property prevented from passing to a former spouse because of revocation by dissolution of marriage or annulment passes as if the former spouse failed to survive the decedent, and other provisions conferring some power or office on the former spouse are interpreted as if the spouse failed to survive the decedent. If provisions are revoked solely by this section, they are revived by testator's remarriage to the former spouse. For purposes of this chapter and chapter 525, dissolution of marriage includes divorce. A decree of separation which does not terminate the status of husband and wife is not a dissolution of marriage for purposes of this section. No change of circumstances other than as described in this section revokes a will.

Except as provided in sections 524.2-802 and 524.2-803, a change of circumstances does not revoke a will or any part of it.

Sec. 41. Minnesota Statutes 1992, section 524.2-509, is amended to read:

524.2-509 [REVIVAL OF REVOKED WILL.]

~~(a) If a second will which, had it remained effective at death, would have revoked the first will in whole or in part, is thereafter revoked by acts under section 524.2-507, the first will is revoked in whole or in part unless it is evident from the circumstances of the revocation of the second will or from testator's contemporaneous or subsequent declarations that the testator intended the first will to take effect as executed.~~

~~(b) If a second will which, had it remained effective at death, would have revoked the first will in whole or in part, is thereafter revoked by a third will, the first will is revoked in whole or in part, except to the extent it appears from the terms of the third will that the testator intended the first will to take effect.~~

(a) If a subsequent will that wholly revoked a previous will is thereafter revoked by a revocatory act under section 524.2-507, paragraph (a), clause (2), the previous will remains revoked unless it is revived. The previous will is revived if it is evident from the circumstances of the revocation of the subsequent will or from the testator's contemporaneous or subsequent declarations that the testator intended the previous will to take effect as executed.

(b) If a subsequent will that partly revoked a previous will is thereafter revoked by a revocatory act under section 524.2-507, paragraph (a), clause (2), a revoked part of the previous will is revived unless it is evident from the circumstances of the revocation of the subsequent will or from the testator's contemporary or subsequent declarations that the testator did not intend the revoked part to take effect as executed.

(c) If a subsequent will that revoked a previous will in whole or in part is thereafter revoked by another later will, the previous will remains revoked in whole or in part, unless it or its revoked part is revived. The previous will or its revoked part is revived to the extent it appears from the terms of the later will that the testator intended the previous will to take effect.

Sec. 42. [524.2-511] [TESTAMENTARY ADDITIONS TO TRUSTS.]

(a) A will may validly devise property to the trustee of a trust established or to be established (i) during the testator's lifetime by the testator, by the testator and some other person, or by some other person, including a funded or unfunded life insurance trust, although the settlor has reserved any or all rights of ownership of the insurance contracts, or (ii) at the testator's death by the testator's devise to the trustee, if, in either case, the trust is identified in the testator's will and its terms are set forth in a written instrument, other than a will, executed before, concurrently with, or after the execution of the testator's will or in another individual's will if that other individual has predeceased the testator, regardless of the existence, size, or character of the corpus of the trust. The devise is not invalid because the trust is amendable or revocable, or because the trust was amended after the execution of the will or the testator's death.

(b) Unless the testator's will provides otherwise, property devised to a trust described in paragraph (a) is not held under a testamentary trust of the testator, but it becomes a part of the trust to which it is devised, and must be administered and disposed of in accordance with the provisions of the governing instrument setting forth the terms of the trust, including any amendments thereto made before or after the testator's death.

(c) Unless the testator's will provides otherwise, a revocation or termination of the trust before the testator's death causes the devise to lapse.

(d) This section does not invalidate a devise made by a will executed before February 21, 1963.

Sec. 43. Minnesota Statutes 1992, section 524.2-512, is amended to read:

524.2-512 [EVENTS OF INDEPENDENT SIGNIFICANCE.]

A will may dispose of property by reference to acts and events which that have significance apart from their effect upon the dispositions made by the will, whether they occur before or after the execution of the will or before or after the testator's death. The execution or revocation of a another individual's will ~~of another person~~ is such an event.

Sec. 44. [524.2-514] [CONTRACTS CONCERNING SUCCESSION.]

A contract to make a will or devise, or not to revoke a will or devise, or to die intestate, if executed after January 1, 1976, may be established only by (i) provisions of a will stating material provisions of the contract, (ii) an express reference in a will to a contract and extrinsic evidence proving the terms of the contract, or (iii) a writing signed by the decedent evidencing the contract. The execution of a joint will or mutual wills does not create a presumption of a contract not to revoke the will or wills.

Sec. 45. [524.2-515] [DEPOSIT OF WILL WITH COURT IN TESTATOR'S LIFETIME.]

A will may be deposited by the testator or the testator's agent with any court for safekeeping, under rules of the court. The will must be sealed and kept confidential. During the testator's lifetime, a deposited will must be delivered only to the testator or to a person authorized in writing signed by the testator to receive the will. A conservator or guardian may be allowed to examine a deposited will of a protected testator under procedures designed to maintain the confidential character of the document to the extent possible, and to ensure that it will be resealed and kept on deposit after the examination. Upon being informed of the testator's death, the court may deliver the will to the appropriate court.

Sec. 46. [524.2-516] [DUTY OF CUSTODIAN OF WILL; LIABILITY.]

After the death of a testator and on request of an interested person, a person having custody of a will of the testator shall deliver it with reasonable promptness to an appropriate court. A person who willfully fails to deliver a will is liable to any person aggrieved for any damages that may be sustained by the failure. A person who willfully refuses or fails to deliver a will after being ordered by the court in a proceeding brought for the purpose of compelling delivery is subject to penalty for contempt of court.

Sec. 47. [524.2-517] [PENALTY CLAUSE FOR CONTEST.]

A provision in a will purporting to penalize an interested person for contesting the will or instituting other proceedings relating to the estate is unenforceable if probable cause exists for instituting proceedings.

Part 6

RULES OF CONSTRUCTION APPLICABLE ONLY TO WILLS

Sec. 48. [524.2-601] [SCOPE.]

In the absence of a finding of a contrary intention, the rules of construction in this part control the construction of a will.

Sec. 49. Minnesota Statutes 1992, section 524.2-602, is amended to read:

524.2-602 [CHOICE OF LAW AS TO MEANING AND EFFECT OF WILLS WILL MAY PASS ALL PROPERTY AND AFTER-ACQUIRED PROPERTY.]

The meaning and legal effect of a disposition in a will shall be determined by the local law of a particular state selected by the testator in the testator's instrument unless the application of that law is contrary to the public policy of this state otherwise applicable to the disposition. A will may provide for the passage of all property the testator owns at death and all property acquired by the estate after the testator's death.

Sec. 50. Minnesota Statutes 1992, section 524.2-603, is amended to read:

524.2-603 [RULES OF CONSTRUCTION AND INTENTION ANTILAPSE; DECEASED DEVISEE; CLASS GIFTS.]

The intention of a testator as expressed in the testator's will controls the legal effect of the testator's dispositions. The rules of construction expressed in the succeeding sections of this part apply unless a contrary intention is indicated by the will.

(a) [DEFINITIONS.] In this section:

(1) "Alternative devise" means a devise that is expressly created by the will and, under the terms of the will, can take effect instead of another devise on the happening of one or more events, including survival of the testator or failure to survive the testator, whether an event is expressed in condition-precedent, condition-subsequent, or any other form. A residuary clause constitutes an alternative devise with respect to a nonresiduary devise only if the will specifically provides that, upon lapse or failure, the nonresiduary devise, or nonresiduary devises in general, pass under the residuary clause.

(2) "Class member" includes an individual who fails to survive the testator but who would have taken under a devise in the form of a class gift had he or she survived the testator.

(3) "Devise" includes an alternative devise, a devise in the form of a class gift, and an exercise of a power of appointment.

(4) "Devisee" includes (i) a class member if the devise is in the form of a class gift, (ii) an individual or class member who was deceased at the time the testator executed his or her will as well as an individual or class member who was then living but who failed to survive the testator, and (iii) an appointee under a power of appointment exercised by the testator's will.

(5) "Surviving devisee" or "surviving descendant" means a devisee or a descendant who neither predeceased the testator nor is deemed to have predeceased the testator under section 524.2-702.

(6) "Testator" includes the donee of a power of appointment if the power is exercised in the testator's will.

(b) [SUBSTITUTE GIFT.] If a devisee fails to survive the testator and is a grandparent or a descendant of a grandparent of either the testator or the donor of a power of appointment exercised by the testator's will, the following apply:

(1) Except as provided in paragraph (4), if the devise is not in the form of a class gift and the deceased devisee leaves surviving descendants, a substitute gift is created in the devisee's surviving descendants. They take by representation the property to which the devisee would have been entitled had the devisee survived the testator.

(2) Except as provided in paragraph (4), if the devise is in the form of a class gift, other than a devise to "issue," "descendants," "heirs of the body," "heirs," "next of kin," "relatives," or "family," or a class described by language of similar import, a substitute gift is created in the surviving descendants of any deceased devisee. The property to which the devisees would have been entitled had all of them survived the testator passes to the surviving devisees and the surviving descendants of the deceased devisees. Each surviving devisee takes the share to which he or she would have been entitled had the deceased devisees survived the testator. Each deceased devisee's surviving descendants who are substituted for the deceased devisee take by representation the share to which the deceased devisee would have been entitled had the deceased devisee survived the testator. For the purposes of this paragraph, "deceased devisee" means a class member who failed to survive the testator and left one or more surviving descendants.

(3) For the purpose of section 524.2-601, words of survivorship, such as in a devise to an individual "if he survives me," or in a devise to "my children who survive me," are a sufficient indication of an intent contrary to the application of this section.

(4) If the will creates an alternative devise with respect to a devise for which a substitute gift is created by clause (1) or (2), the substitute gift is superseded by the alternative devise only if an expressly designated devisee of the alternative devise is entitled to take under the will.

(c) [MORE THAN ONE SUBSTITUTE GIFT; WHICH ONE TAKES.] If, under paragraph (b), substitute gifts are created and not superseded with respect to more than one devise and the devises are alternative devises, one to the other, the determination of which of the substitute gifts takes effect is resolved as follows:

(1) Except as provided in clause (2), the devised property passes under the primary substitute gift.

(2) If there is a younger-generation devise, the devised property passes under the younger-generation substitute gift and not under the primary substitute gift.

(3) In this paragraph:

(i) "Primary devise" means the devise that would have taken effect had all the deceased devisees of the alternative devises who left surviving descendants survived the testator.

(ii) "Primary substitute gift" means the substitute gift created with respect to the primary devise.

(iii) "Younger-generation devise" means a devise that (A) is to a descendant of a devisee of the primary devise, (B) is an alternative devise with respect to the primary devise, (C) is a devise for which a substitute gift is created, and (D) would have taken effect had all the deceased devisees who left surviving descendants survived the testator except the deceased devisee or devisees of the primary devise.

(iv) "Younger-generation substitute gift" means the substitute gift created with respect to the younger-generation devise.

Sec. 51. Minnesota Statutes 1992, section 524.2-604, is amended to read:

524.2-604 [CONSTRUCTION THAT WILL PASSES ALL PROPERTY; AFTER ACQUIRED PROPERTY FAILURE OF TESTAMENTARY PROVISION.]

A will is construed to pass all property which the testator owns at death including property acquired after the execution of the will.

(a) Except as provided in section 524.2-603, a devise, other than a residuary devise, that fails for any reason becomes a part of the residue.

(b) Except as provided in section 524.2-603, if the residue is devised to two or more persons, the share of a residuary devisee that fails for any reason passes to the other residuary devisee, or to other residuary devisees in proportion to the interest of each in the remaining part of the residue.

Sec. 52. Minnesota Statutes 1992, section 524.2-605, is amended to read:

524.2-605 [ANTILAPSE; DECEASED DEVISEE; CLASS GIFTS INCREASE IN SECURITIES; ACCESSIONS.]

If a devisee who is a grandparent or a lineal descendant of a grandparent of the testator is dead at the time of execution of the will, or fails to survive the testator, the issue of the deceased devisee who survive the testator take in place of the deceased devisee and if they are all of the same degree of kinship to the devisee they take equally, but if of unequal degree then those of more remote degree take by representation. One who is a grandparent or a lineal descendant of a grandparent of the testator and who would have been a devisee under a class gift on surviving the testator is treated as a devisee for purposes of this section whether death occurred before or after the execution of the will.

(a) If a testator executes a will that devises securities and the testator then owned securities that meet the description in the will, the devise includes additional securities owned by the testator at death to the extent the additional securities were acquired by the testator after the will was executed as a result of the testator's ownership of the described securities and are securities of any of the following types:

(1) securities of the same organization acquired by reason of action initiated by the organization or any successor, related, or acquiring organization, excluding any acquired by exercise of purchase options;

(2) securities of another organization acquired as a result of a merger, consolidation, reorganization, or other distribution by the organization or any successor, related, or acquiring organization; or

(3) securities of the same organization acquired as a result of a plan of reinvestment.

(b) Distributions in cash before death with respect to a described security are not part of the devise.

Sec. 53. Minnesota Statutes 1992, section 524.2-606, is amended to read:

524.2-606 [FAILURE OF TESTAMENTARY PROVISION NONADEMPTION OF SPECIFIC DEVISES; UNPAID PROCEEDS OF SALE, CONDEMNATION, OR INSURANCE; SALE BY CONSERVATOR OR GUARDIAN.]

(a) Except as provided in section 524.2-605 if a devise other than a residuary devise fails for any reason, it becomes a part of the residue.

(b) Except as provided in section 524.2-605 if the residue is devised to two or more persons and the share of one of the residuary devisees fails for any reason, that share passes to the other residuary devisee, or to other residuary devisees in proportion to their interests in the residue. A specific devisee has a right to the specifically devised property in the testator's estate at death and:

(1) any balance of the purchase price, together with any security agreement, owing from a purchaser to the testator at death by reason of sale of the property;

(2) any amount of a condemnation award for the taking of the property unpaid at death;

(3) any proceeds unpaid at death on fire or casualty insurance on or other recovery for injury to the property; and

(4) property owned by the testator at death and acquired as a result of foreclosure, or obtained in lieu of foreclosure, of the security interest for a specifically devised obligation.

(b) If specifically devised property is sold or mortgaged by a conservator or guardian, or if a condemnation award, insurance proceeds, or recovery for injury to the property are paid to a conservator or guardian, the specific devisee has the right to a general pecuniary devise equal to the net sale price, the amount of the unpaid loan, the condemnation award, the insurance proceeds, or the recovery.

(c) The right of a specific devisee under paragraph (b) is reduced by any right the devisee has under paragraph (a).

(d) For the purposes of the references in paragraph (b) to a conservator or guardian, paragraph (b) does not apply if after the sale, mortgage, condemnation, casualty, or recovery, it was adjudicated that the testator's incapacity ceased and the testator survived the adjudication by one year.

Sec. 54. Minnesota Statutes 1992, section 524.2-607, is amended to read:

524.2-607 [CHANGE IN SECURITIES, ACCESSIONS, NONADEMPTION NONEXONERATION.]

(a) If the testator intended a specific devise of certain securities rather than the equivalent value thereof, the specific devisee is entitled only to:

- (1) as much of the devised securities as is a part of the estate at time of the testator's death;
- (2) any additional or other securities of the same entity owned by the testator by reason of action initiated by the entity excluding any acquired by exercise of purchase options;
- (3) securities of another entity owned by the testator as a result of a merger, consolidation, reorganization or other similar action initiated by the entity; and
- (4) any additional securities of the entity owned by the testator as a result of a plan of reinvestment if it is a regulated investment company.

(b) Distributions prior to death with respect to a specifically devised security not provided for in subsection (a) are not part of the specific devise.

A specific devise passes subject to any mortgage or security interest existing at the date of death, without right of exoneration, regardless of a general directive in the will to pay debts.

Sec. 55. Minnesota Statutes 1992, section 524.2-608, is amended to read:

524.2-608 [NONADEMPTION OF SPECIFIC DEVISES IN CERTAIN CASES, SALE BY CONSERVATOR OR GUARDIAN, UNPAID PROCEEDS OF SALE, CONDEMNATION OR INSURANCE EXERCISE OF POWER OF APPOINTMENT.]

(a) If specifically devised property is sold by a conservator or guardian, or if a condemnation award or insurance proceeds are paid to a conservator or guardian as a result of condemnation, fire, or casualty, the specific devisee has the right to a general pecuniary devise equal to the net sale price, the condemnation award, or the insurance proceeds. This subsection does not apply if subsequent to the sale, condemnation, or casualty, it is adjudicated that the disability of the testator has ceased and the testator survives the adjudication by one year. The right of the specific devisee under this subsection is reduced by any right possessed under subsection (b).

(b) Any specific devisee has the right to the remaining specifically devised property and:

- (1) any balance of the purchase price together with any security interest owing from a purchaser to the testator at death by reason of sale of the property;
- (2) any amount of a condemnation award for the taking of the property unpaid at death;
- (3) any proceeds unpaid at death on fire or casualty insurance on the property; and
- (4) property owned by testator at death as a result of foreclosure, or obtained in lieu of foreclosure, of the security for a specifically devised obligation.

A general residuary clause in a will, or a will making general disposition of all of the testator's property, does not exercise a power of appointment held by the testator unless the testator's will manifests an intention to include property subject to the power.

Sec. 56. Minnesota Statutes 1992, section 524.2-609, is amended to read:

524.2-609 [NONEXONERATION ADEMPTION BY SATISFACTION.]

A specific devise passes subject to any security interest existing at the date of death, without right of exoneration, regardless of a general directive in the will to pay debts.

(a) Property a testator gave in his or her lifetime to a person is treated as a satisfaction of a devise in whole or in part, only if (i) the will provides for deduction of the gift, (ii) the testator declared in a contemporaneous writing that the gift is in satisfaction of the devise or that its value is to be deducted from the value of the devise, or (iii) the devisee acknowledged in writing that the gift is in satisfaction of the devise or that its value is to be deducted from the value of the devise.

(b) For purposes of partial satisfaction, property given during lifetime is valued as of the time the devisee came into possession or enjoyment of the property or at the testator's death, whichever occurs first.

(c) If the devisee fails to survive the testator, the gift is treated as a full or partial satisfaction of the devise, as appropriate, in applying sections 524.2-603 and 524.2-604, unless the testator's contemporaneous writing provides otherwise.

Part 7

CONTRACTUAL ARRANGEMENTS RELATING TO DEATH

RULES OF CONSTRUCTION APPLICABLE TO WILLS

AND OTHER GOVERNING INSTRUMENTS

Sec. 57. Minnesota Statutes 1992, section 524.2-701, is amended to read:

524.2-701 [CONTRACTS CONCERNING SUCCESSION SCOPE.]

~~A contract to make a will or devise, or not to revoke a will or devise, or to die intestate, if executed after January 1, 1976, can be established only by (1) provisions of a will stating material provisions of the contract; (2) an express reference in a will to a contract and extrinsic evidence proving the terms of the contract; or (3) a writing signed by the decedent evidencing the contract. The execution of a joint will or mutual wills does not create a presumption of a contract not to revoke the will or wills.~~

In the absence of a finding of a contrary intention, the rules of construction in this part control the construction of a governing instrument. The rules of construction in this part apply to a governing instrument of any type, except as the application of a particular section is limited by its terms to a specific type or types of provision or governing instrument.

Sec. 58. [524.2-703] [CHOICE OF LAW AS TO MEANING AND EFFECT OF GOVERNING INSTRUMENT.]

The meaning and legal effect of a governing instrument is determined by the local law of the state selected in the governing instrument, unless the application of that law is contrary to the provisions relating to the elective share described in part 2, the provisions relating to exempt property and allowances described in part 4, or any other public policy of this state otherwise applicable to the disposition.

Sec. 59. [524.2-704] [POWER OF APPOINTMENT; MEANING OF SPECIFIC REFERENCE REQUIREMENT.]

If a governing instrument creating a power of appointment expressly requires that the power be exercised by a reference, an express reference, or a specific reference, to the power or its source, it is presumed that the donor's intention, in requiring that the donee exercise the power by making reference to the particular power or to the creating instrument, was to prevent an inadvertent exercise of the power and an attempt to exercise the power by a donee who had knowledge of and intended to exercise the power is effective.

Sec. 60. [524.2-705] [CLASS GIFTS CONSTRUED TO ACCORD WITH INTESTATE SUCCESSION.]

Adopted individuals and individuals born out of wedlock, and their respective descendants if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession. Terms of relationship that do not differentiate relationships by blood from those by affinity, such as "uncles," "aunts," "nieces," or "nephews," are presumed to exclude relatives by affinity. Terms of relationship that do not differentiate relationships by the half blood from those by the whole blood, such as "brothers," "sisters," "nieces," or "nephews," are presumed to include both types of relationships.

Sec. 61. [524.2-708] [CLASS GIFTS TO "DESCENDANTS," "ISSUE," OR "HEIRS OF THE BODY"; FORM OF DISTRIBUTION IF NONE SPECIFIED.]

If a class gift in favor of "descendants," "issue," or "heirs of the body" does not specify the manner in which the property is to be distributed among the class members, the property is distributed among the class members who are

living when the interest is to take effect in possession or enjoyment, in such shares as they would receive, under the applicable law of intestate succession, if the designated ancestor had then died intestate owning the subject matter of the class gift.

Sec. 62. [524.2-709] [REPRESENTATION; PER STIRPES; PER CAPITA AT EACH GENERATION.]

(a) [DEFINITIONS.] In this section:

(1) "Deceased child" or "deceased descendant" means a child or a descendant who either predeceased the distribution date or is deemed to have predeceased the distribution date under section 524.2-702.

(2) "Distribution date," with respect to an interest, means the time when the interest is to take effect in possession or enjoyment. The distribution date need not occur at the beginning or end of a calendar day, but can occur at a time during the course of a day.

(3) "Surviving ancestor," "surviving child," or "surviving descendant" means an ancestor, a child, or a descendant who neither predeceased the distribution date nor is deemed to have predeceased the distribution date under section 524.2-702.

(b) [REPRESENTATION; PER STIRPES.] If an applicable statute or governing instrument calls for property to be distributed by "representation" or "per stirpes," the property is divided into as many equal shares as there are (i) surviving children of the designated ancestor and (ii) deceased children who left surviving descendants. Each surviving child, if any, is allocated one share. The share of each deceased child with surviving descendants is divided in the same manner, with subdivision repeating at each succeeding generation until the property is fully allocated among surviving descendants.

(c) [PER CAPITA AT EACH GENERATION.] If a governing instrument calls for property to be distributed "per capita at each generation," the property is divided into as many equal shares as there are (i) surviving descendants in the generation nearest to the designated ancestor which contains one or more surviving descendants and (ii) deceased descendants in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation is allocated one share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the distribution date.

(d) [DECEASED DESCENDANT WITH NO SURVIVING DESCENDANT DISREGARDED.] For the purposes of paragraphs (b) and (c), an individual who is deceased and left no surviving descendant is disregarded, and an individual who leaves a surviving ancestor who is a descendant of the designated ancestor is not entitled to a share.

Sec. 63. [INSTRUCTION TO REVISOR.]

In the next and subsequent editions of Minnesota Statutes, the revisor shall renumber each section in column A with the corresponding number in column B and correct all cross-references to affected sections.

Column A

525.90
528.01
528.02
528.03
528.04
528.05
528.06
528.07
528.08
528.09
528.10
528.11
528.13
528.14
528.15

Column B

524.2-702
524.6-214
524.6-201
524.6-202
524.6-203
524.6-204
524.6-205
524.6-206
524.6-207
524.6-208
524.6-209
524.6-210
524.6-211
524.6-212
524.6-213

Sec. 64. [REPEALER.]

Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223, are repealed.

Sec. 65. [EFFECTIVE DATE; PROVISIONS FOR TRANSITION.]

(a) This act takes effect on January 1, 1996.

(b) Except as provided elsewhere in this act:

(1) this act applies to the rights of successors of decedents dying on or after its effective date and to any wills of decedents dying on or after its effective date;

(2) if, before the effective date of this act, a right is either acquired, extinguished, waived, or barred upon the expiration of a prescribed period of time which commenced to run by the provisions of any statute before the effective date, the provisions of this act neither revoke, revive, restore, nor remove the bar of such right; and

(3) any rule of construction or presumption provided in this act applies to instruments executed and multiple party accounts opened before the effective date of this act unless there is a clear indication of contrary intent."

Delete the title and insert:

"A bill for an act relating to probate; updating article 2 on intestacy, wills, and donative transfers; correcting a reference; recodifying the Minnesota multiparty accounts act; amending Minnesota Statutes 1992, sections 524.1-201; 524.2-101; 524.2-102; 524.2-103; 524.2-104; 524.2-105; 524.2-106; 524.2-108; 524.2-109; 524.2-110; 524.2-111; 524.2-113; 524.2-114; 524.2-301; 524.2-302; 524.2-502; 524.2-504; 524.2-505; 524.2-507; 524.2-508; 524.2-509; 524.2-512; 524.2-602; 524.2-603; 524.2-604; 524.2-605; 524.2-606; 524.2-607; 524.2-608; 524.2-609; and 524.2-701; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1992, sections 524.2-112; 524.2-201; 524.2-202; 524.2-203; 524.2-204; 524.2-205; 524.2-206; 524.2-207; 524.2-503; 524.2-610; 524.2-612; 524.3-905; 525.15; 525.151; 525.22; 525.221; and 525.223."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1840, A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs.

Reported the same back with the following amendments:

Page 1, line 9, delete "the costs" and insert "what standards local units of government should use when evaluating the costs and benefits"

Page 1, line 10, after "Costs" insert "and benefits"

Page 1, line 14, delete "must" and insert "should"

Page 1, line 20, delete "impact of the costs of" and insert "costs and benefits associated with"

Page 2, line 6, after the semicolon, insert "and"

Page 2, line 10, delete "; and" and insert a period

Page 2, delete lines 11 and 12

Page 2, delete lines 13 and 14

Page 2, line 15, delete "as requested." and insert:

"(c)" and after "costs" insert "and benefits"

Page 2, line 16, delete "shall"

Page 2, delete lines 17 and 18, and insert "may use a case study approach utilizing at least three representative housing redevelopment and rehabilitation projects. By July 1,"

Page 2, after line 21, insert:

"Sec. 2. [STATE AND LOCAL SUPPORT.]

The Minnesota housing finance agency, the Minnesota office of strategic and long range planning, and all housing and redevelopment authorities in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, shall provide the data and information that the metropolitan council determines is necessary to conduct the study required in section 1. When requested by the metropolitan council, those local units of government that have adopted zoning ordinances or a building code must provide the council data and information on the impact of those zoning ordinances or building codes on housing redevelopment and rehabilitation projects within the jurisdiction of the local unit of government.

Sec. 3. [EFFECTIVE DATE; APPLICATION.]

This act is effective the day following final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Amend the title as follows:

Page 1, line 4, before the period insert "and benefits; requiring local governments in the seven-county metropolitan area to cooperate with the metropolitan council for purposes of the study"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1936, A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

Reported the same back with the following amendments:

Page 1, line 15, before the comma, insert "and tributaries to Lake Superior with no posted boundaries"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1995, A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; requiring and authorizing training and certification of appliance recyclers and services respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivisions 3 and 4; 115A.87; 115A.882, by adding a subdivision; 115A.918, subdivision 1, and by adding a subdivision; 115A.95; 115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivision 1; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1993 Supplement, section 115A.542.

Reported the same back with the following amendments:

Page 5, after line 8, insert:

"(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable long-term commitment to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision."

Page 6, delete section 7

Page 6, after line 33, insert:

"Sec. 8. Minnesota Statutes 1992, section 115A.882, subdivision 3, is amended to read:

Subd. 3. [INSPECTION.] A person authorized by a county in which a designation ordinance is effective may, anywhere in the state:

(1) upon presentation of identification and without a search warrant, inspect or copy the records required to be kept on a waste collection vehicle under subdivision 2 and inspect the waste on the vehicle at the time of deposit of the waste at a facility;

(2) when reasonable notice under the circumstances has been given, upon presentation of identification and without a search warrant, inspect or copy the records of an owner or operator of a solid waste facility that are required to be maintained under subdivision 2;

(3) request, in writing, copies of records of a solid waste collector that indicate the type, origin, and weight or, if applicable, the volume of waste collected, the identity of the facility at which the waste was deposited, and the date of deposit at the facility; and

(4) upon presentation of identification and without a search warrant, inspect or copy that portion of the business records of a waste collector necessary to comply with clause (3) at the central record-keeping location of the waste collector only if the collector fails to provide copies of the records within 15 days of receipt of a written request for them, unless the time has been extended by agreement of the parties.

Records or information received, inspected, or copied by a county under this section are classified as nonpublic data as defined in section 13.02, subdivision 9, and may be used by the county solely for enforcement of a designation ordinance. A waste collector or the owner or operator of a waste facility shall maintain business records needed to comply with this section for two years."

Page 7, line 22, delete "shall" and insert "may"

Page 7, after line 23, insert:

"Sec. 10. Minnesota Statutes 1992, section 115A.9157, subdivision 4, is amended to read:

Subd. 4. [PILOT PROJECTS.] By April 15, 1992, manufacturers whose rechargeable batteries or products powered by rechargeable batteries are sold in this state shall implement pilot projects for the collection and proper management of all rechargeable batteries and the participating manufacturers' products powered by nonremovable rechargeable batteries. Manufacturers may act as a group or through a representative organization. The pilot projects must run for a minimum of 18 months and be designed to collect sufficient statewide data for the design and implementation of permanent collection and management programs that may be reasonably expected to collect at least 90 percent of waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state.

By December 1, 1991, the manufacturers or their representative organization shall submit plans for the projects to the legislative commission. ~~At least every six months during the pilot projects the manufacturers shall submit progress reports to the commission. The commission shall review the plans and progress reports.~~

By November 1, 1993, the manufacturers or their representative organization shall report to the legislative commission the final results of the projects and plans for implementation of permanent programs. The commission shall review the final results and plans.

By October 1, 1994 and by October 1, 1995, each manufacturer or a representative organization shall submit to the commission additional reports that detail progress made toward implementing permanent management programs. The October 1, 1995, report must include a description of the programs implemented under subdivision 5. These progress reports must include the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous year. A representative organization may report amounts in aggregate for all the members of the group.

Sec. 11. Minnesota Statutes 1992, section 115A.9157, subdivision 5, is amended to read:

Subd. 5. [COLLECTION AND MANAGEMENT PROGRAMS.] ~~By April 15, 1994~~ September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the commission that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the group.

Page 8, lines 6 and 7, strike "July 1, 1995" and insert "December 31, 1996"

Page 8, after line 31, insert:

"Sec. 15. Minnesota Statutes 1992, section 115A.919, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS.] (a) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from any fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section

473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county, except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction.

(b) A facility permitted for the disposal of construction debris is exempt from 25 percent of a fee imposed under subdivision 1 if the facility has implemented a recycling program approved by the county and 25 percent if the facility contains a liner and leachate collection system approved by the agency.

Sec. 16. Minnesota Statutes 1992, section 115A.921, subdivision 1, is amended to read:

Subdivision 1. [MIXED MUNICIPAL SOLID WASTE.] A city or town may impose a fee, not to exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees must be credited to the city or town general fund. Revenue produced by 25 cents of the fee must be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. Revenue produced by the balance of the fee may be used for any general fund purpose.

Waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town, except that for facilities operating outside of the metropolitan area the commissioner shall prescribe procedures for verifying the required 85 percent volume reduction."

Page 9, after line 20, insert:

"Sec. 18. Minnesota Statutes 1992, section 115A.9301, is amended by adding a subdivision to read:

Subd. 3. [ALTERNATIVE.] A local government unit may satisfy the requirements of this section by establishing, for households that generate small volumes of waste, a waste collection unit that is smaller than and priced lower than for other generators if the local government unit:

(1) operates or contracts for the operation of a residential recycling program that collects more categories of recyclable materials than required in section 115A.552;

(2) has a residential participation rate in its recycling programs of at least 70 percent or in excess of the participation rate for the county in which it is located, whichever is greater; and

(3) is located in a county that has exceeded the recycling goals in section 115A.551."

Page 10, line 24, after the period, insert "A package for which a request for exemption has been submitted to the commissioner is not subject to enforcement action pending the commissioner's determination."

Page 10, after line 36, insert:

"Sec. 23. Minnesota Statutes 1993 Supplement, section 115A.9651, is amended to read:

115A.9651 [TOXICS IN SPECIFIED PRODUCTS; ENFORCEMENT.]

Subdivision 1. [PROHIBITION.] (a) After July September 1, 1994, no person may deliberately intentionally introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended distributed for use or for sale in this state.

Until July 1, 1997, this section does not apply to electrodeposition primer coating or primer coating used on aircraft, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromic acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

(c) The total concentration level of all metals listed in paragraph (a) may not exceed 100 parts per million by weight.

Subd. 2. [TEMPORARY EXEMPTION.] (a) An item listed in subdivision 1 is exempt from this section until July 1, 1997, if the manufacturer of the item submits to the commissioner a written request for an exemption by September 1, 1994. The request must include at least:

- (1) an explanation of why compliance is not technically feasible at the time of the request;
- (2) how the manufacturer will comply by July 1, 1997; and
- (3) the name, address, and telephone number of a person the commissioner can contact for further information.

(b) A person who uses an item listed in subdivision 1, into which one of the listed metals has been intentionally introduced, may submit, on behalf of the manufacturer, a request for temporary exemption as provided in paragraph (a). The request must include:

- (1) an explanation of why the person must continue to use the item and a discussion of potential alternatives;
- (2) an explanation of why it is not technically feasible at the time of the request to formulate or manufacture the item without intentionally introducing a listed metal;
- (3) that the person will stop using the item by July 1, 1997, if it still contains an intentionally introduced listed metal; and
- (4) the name, address, and telephone number of a person the commissioner can contact for further information.

(c) A person who submits a request for temporary exemption under paragraph (b) may submit a request for a temporary exemption after September 1, 1994, for an item that the person will use as an alternative to the item for which the request was originally made as long as the new item has a total concentration level of all the listed metals that is significantly less than in the original item. An exemption under this paragraph expires July 1, 1997, and the person who requests it must submit the progress description required in paragraph (e).

(d) By October 1, 1994, and annually thereafter if requests are received under paragraph (c), the commissioner shall submit to the legislative commission on waste management a list of manufacturers and persons that have requested an exemption under this subdivision and the items for which exemptions were sought, along with copies of the requests.

(e) By July 1, 1996, each manufacturer on the list shall submit to the commissioner a description of the progress the manufacturer has made toward compliance with subdivision 1, and the date compliance has been achieved or the date on or before July 1, 1997, by which the manufacturer anticipates achieving compliance. By July 1, 1996, each person who has requested an exemption under paragraph (b) or (c) shall submit to the commissioner:

- (1) a description of progress made to eliminate the listed metal or metals from the item or progress made by the person to find a replacement item that does not contain an intentionally introduced listed metal; and
- (2) the date or anticipated date the item is or will be free of intentionally introduced metals or the date the person has stopped or will stop using the item.

By October 1, 1996, the commissioner shall submit to the legislative commission a summary of the progress made by the manufacturers and other persons and any recommendations for appropriate legislative or other action to ensure that products are not distributed in the state after July 1, 1997, that violate subdivision 1.

Subd. 3. [APPLICATION; ENFORCEMENT.] (a) This section does not apply to art supplies.

(b) This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office."

Page 12, line 7, after "closure" insert "for a mixed municipal solid waste disposal facility or for a minimum of 20 years after closure, as determined by agency rules, for any other solid waste disposal facility"

Page 12, line 32, delete "30" and strike "years" and before "after" insert "the time period required in paragraph (a)"

Page 14, after line 1, insert:

"Sec. 26. [116.073] [FIELD CITATIONS.]

Subdivision 1. [AUTHORITY TO ISSUE.] Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in section 116.06, subdivision 22, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose of or otherwise manage the waste or reimburse any government agency that has disposed of the waste for the reasonable costs of disposal.

Subd. 2. [PENALTY AMOUNT.] The citation must impose the following penalty amounts:

(1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;

(2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;

(3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;

(4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000; and

(5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste if, after receiving actual notice that waste has escaped the vehicle, the person or company transporting the waste fails to immediately collect the waste.

Subd. 3. [APPEALS.] Citations may be appealed under the procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the citation becomes a final order not subject to further review.

Subd. 4. [ENFORCEMENT OF FIELD CITATIONS.] Field citations may be enforced under section 116.072, subdivisions 9 and 10.

Subd. 5. [CUMULATIVE REMEDY.] The authority to issue field citations is in addition to other remedies available under statutory or common law, except that the state may not seek penalties under any other provision of law for the incident subject to the citation."

Page 17, after line 6, insert:

"Sec. 32. Minnesota Statutes 1992, section 473.803, is amended by adding a subdivision to read:

Subd. 5. [ROLE OF PRIVATE SECTOR; COUNTY OVERSIGHT.] A county may include in its solid waste management master plan and in its plan for county land disposal abatement a determination that the private sector will achieve, either in part or in whole, the goals and requirements of sections 473.149 and 473.803, as long as the county:

(1) retains active oversight over the efforts of the private sector and monitors performance to ensure compliance with the law and the goals and standards of the council and the county as expressed in the metropolitan solid waste management plan and the county master plan;

(2) continues to meet its responsibilities under the law for ensuring proper waste management, including, at a minimum, enforcing waste management law, providing waste education, promoting waste reduction, and providing its residents the opportunity to recycle waste materials; and

(3) continues to provide all required reports on the county's progress in meeting the waste management goals and standards of this chapter and chapter 115A.

Sec. 33. Minnesota Statutes 1992, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] (a) Each metropolitan county may adopt ordinances governing the collection of solid waste. A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of

materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.

(b) Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.

(c) Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by a county under chapter 115A or for enforcement of the prohibition on disposal of unprocessed mixed municipal solid waste under sections 473.848 and 473.849.

(d) A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved.

(e) Ordinances of counties and local units of government:

(1) shall provide for the enforcement of any designation of facilities by the counties under chapter 115A;

(2) may require waste collectors and transporters to deliver unprocessed mixed municipal waste generated in the county to processing facilities; and

(3) may prohibit waste collectors and transporters from delivering unprocessed mixed municipal solid waste generated in the county to disposal facilities for final disposal.

(f) Nothing in this subdivision ~~shall be construed to limit~~ limits the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 34. Minnesota Statutes 1992, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales. The county ordinance may prohibit disposal facilities from accepting unprocessed mixed municipal solid waste for final disposal. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 35. [473.812] [RECORDS; INSPECTION.]

For the purpose of enforcing section 473.811 or ordinances adopted under that section, a county has the responsibilities and authorities for record inspection under section 115A.882, regardless of whether the county has adopted a designation ordinance under sections 115A.80 to 115A.893."

Page 19, line 27, after "unless" insert "the waste disposal facility meets the standards in section 473.849 and"

Page 20, after line 4, insert:

"Sec. 41. Minnesota Statutes 1992, section 473.848, subdivision 5, is amended to read:

Subd. 5. [DEFINITION.] (a) For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone ~~at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste.~~ separation of materials for resource recovery through recycling, incineration for energy production, production and use of refuse-derived fuel, composting, or any combination of these processes so that the percentage, by weight, of the collected waste that must be disposed of in a mixed municipal solid waste disposal facility, on an annual average, is not more than:

(1) 35 percent for waste collected from generators for whom a waste collector or local government unit provides collection and management of recyclables separately from collection and management of mixed municipal solid waste; or

(2) 20 percent for waste collected from generators for whom a waste collector or local government unit provides collection of recyclables combined with mixed municipal solid waste.

(b) For the purposes of paragraph (a), a mixed municipal solid waste generator is provided separate collection and management of recyclables if the generator has the opportunity to separately recycle as described in section 115A.552 and the waste collector that serves the generator does not override the opportunity to separately recycle by collecting recyclables combined with mixed municipal solid waste for separate or combined management of the recyclables after collection.

(c) Nothing in this section affects the responsibility of counties for recycling activities under chapter 115A."

Page 21, after line 32, insert:

"Sec. 45. [DELAYED REPORTS.]

The 1994 date for reports required under Minnesota Statutes, sections 115A.551, subdivision 4; and 115A.557, subdivision 4, is delayed until August 1, 1994."

Page 21, after line 35, insert:

"Sec. 47. [APPLICATION.]

Sections 31 to 41 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Page 22, line 2, delete "7 and 23" and insert "30 and 45"

Page 22, after line 3, insert:

"Section 23 is effective the day following final enactment."

Page 22, line 4, delete "28" and insert "39"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to waste management; applying government waste reduction requirements to compilations of game and fish laws; clarifying the state's waste management goals; adding heat pumps to the definition of major appliances; authorizing larger capital assistance grants to resource recovery projects under certain circumstances; establishing enforcement of the authority of certain counties to inspect records of certain facilities; clarifying management of waste motor oil filters; establishing a process for resolution of disputes related to toxics in packaging and requiring a report; clarifying the prohibition on toxics in certain products and providing for exemptions; authorizing the issuance of field citations; requiring and authorizing training and certification of appliance recyclers and services respectively; removing the federal government from the definition of commercial transporter of medical waste; requiring medical waste management plans to contain information regarding mailing of sharps; banning sale of apparel containing mercury switches; clarifying the potential role of the private sector in metropolitan waste management; authorizing metropolitan counties to enforce prohibitions on disposal of unprocessed waste and to inspect the records of waste management facilities; expanding the restriction on disposal of unprocessed waste from the metropolitan area; requiring a report on management of waste electronic appliances; requiring a report on products that contain mercury; requiring a report on recycling facilities; amending Minnesota Statutes 1992, sections 97A.051, subdivision 1; 115A.02; 115A.03, subdivision 17a; 115A.554; 115A.557, subdivision 3; 115A.87; 115A.882, subdivision 3, and by adding a subdivision; 115A.9157, subdivisions 4 and 5; 115A.918, subdivision 1, and by adding a subdivision; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.9301, by adding a subdivision; 115A.95;

115A.9561, subdivision 2; 115A.965, subdivision 6, and by adding a subdivision; 116.07, subdivision 4h; 116.76, subdivision 4; 116.92, subdivision 8; 473.803, by adding a subdivision; 473.811, subdivisions 5 and 5a; 473.843, subdivision 1; 473.844, subdivision 1a; 473.845, subdivision 3; and 473.848, subdivisions 1 and 5; Minnesota Statutes 1993 Supplement, sections 115A.54, subdivision 2a; 115A.916; 115A.929; 115A.9651; 115A.981, subdivision 3; 116.79, subdivision 1; 473.149, subdivision 6; and 473.846; proposing coding for new law in Minnesota Statutes, chapters 116; and 473; repealing Minnesota Statutes 1993 Supplement, section 115A.542."

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

The report was adopted.

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

H. F. No. 2046, A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

Reported the same back with the following amendments:

Page 1, line 13, after "person" insert "if the dog is"

Page 1, line 14, before the period, insert "or within the metropolitan area where the discharge of firearms is allowed"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2055, A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; amending Minnesota Statutes 1992, sections 214.101, as amended; and 609.375, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 518.551, subdivisions 10 and 12; and 609.375, subdivision 2.

Reported the same back with the following amendments:

Page 3, after line 11, insert:

"Sec. 2. Minnesota Statutes 1993 Supplement, section 256.87, subdivision 5, is amended to read:

Subd. 5. [CHILD NOT RECEIVING ASSISTANCE.] A person or entity having physical and legal custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parents. Upon an order to show cause and a motion served on the absent parent, the court shall order child support payments from the absent parent under chapter 518. This subdivision applies only if the person has custody with the consent of the absent parent or approval of the court.

Sec. 3. Minnesota Statutes 1993 Supplement, section 518.171, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] (a) Every child support order must expressly assign or reserve the responsibility for maintaining medical insurance for the minor children and the division of uninsured medical and dental costs. The court shall order the party with the better group dependent health and dental insurance coverage to name the minor

child as beneficiary on any health and dental insurance plan that is comparable to or better than a number two qualified plan and available to the party on a group basis or through an employer or union. "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 256, 256B, or 256D. "Insurer" means an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a nonprofit health service plan corporation operating under chapter 62C; a health maintenance organization operating under chapter 62D; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; or any other person providing health or dental insurance. "Number two qualified plan" means a plan described in section 62E.06, subdivision 2.

(b) If the court finds that dependent health or dental insurance is not available to the obligor or obligee on a group basis or through an employer or union, or that the group insurer is not accessible to the obligee, the court may require the obligor (1) to obtain other dependent health or dental insurance, (2) to be liable for reasonable and necessary medical or dental expenses of the child, or (3) to pay no less than \$50 per month to be applied to the medical and dental expenses of the children or to the cost of health insurance dependent coverage.

(c) If the court finds that the available dependent health or dental insurance does not pay all the reasonable and necessary medical or dental expenses of the child, including any existing or anticipated extraordinary medical expenses, and the court finds that the obligor has the financial ability to contribute to the payment of these medical or dental expenses, the court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the child not covered by the required health or dental plan. Medical and dental expenses include, but are not limited to, necessary orthodontia and eye care, including prescription lenses.

(d) If the obligor is employed by a self-insured employer subject only to the federal Employee Retirement Income Security Act (ERISA) of 1974, and the insurance benefit plan meets the above requirements, the court shall order the obligor to enroll the dependents within 30 days of the court order effective date or be liable for all medical and dental expenses occurring while coverage is not in effect. If enrollment in the ERISA plan is precluded by exclusionary clauses, the court shall order the obligor to obtain other coverage or make payments as provided in paragraph (b) or (c).

(e) Unless otherwise agreed by the parties and approved by the court, if the court finds that the obligee is not receiving public assistance for the child and has the financial ability to contribute to the cost of medical and dental expenses for the child, including the cost of insurance, the court shall order the obligee and obligor to each assume a portion of these expenses based on their proportionate share of their total net income as defined in section 518.54, subdivision 6.

(f) Payments ordered under this section are subject to section 518.611. An obligee who fails to apply payments received to the medical expenses of the dependents may be found in contempt of this order.

Sec. 4. Minnesota Statutes 1993 Supplement, 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. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. 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 stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). 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 may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support 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
\$550 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.						
\$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- 5000 or the amount in effect under paragraph (k)	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

Net Income defined as:

Total monthly
income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- *(iii) Social Security
Deductions
- *(iv) Reasonable
Pension Deductions

*Standard
Deductions apply-
use of tax tables
recommended

- *(v) Union Dues
- *(vi) Cost of Dependent Health
Insurance Coverage
- *(vii) Cost of Individual or Group
Health/Hospitalization
Coverage or an
Amount for Actual
Medical Expenses
- *(viii) 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:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) 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;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(c) The court shall review the work-related and education-related child care costs of paid by the custodial parent and shall allocate the costs to each parent in proportion to each parent's income after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. The cost of child care for purposes of this section is determined by subtracting the amount of any federal and state income tax credits available to a parent from the actual cost paid for child care. For purposes of this paragraph, "child care" has the meaning given it in section 256H.01. "Child care costs" is the amount remaining after the calculations required in clauses (1) and (2).

(1) From the amount which the custodial parent paid for child care, deduct any federal, state, or county child care subsidy received by the custodial parent, to determine net child care costs.

(2) From the net child care costs, deduct the approximate value of state and federal tax credits available to the custodial parent.

For purposes of this paragraph, the approximate value of state and federal tax credits is determined as follows: For custodial parents with incomes of less than \$12,000, the approximate value of state and federal tax credits equals the lesser of (i) 30 percent of the net child care costs paid by the custodial parent; or (ii) \$720 for the child care costs incurred on behalf of one child or \$1,440 for the child care costs incurred on behalf of two or more children.

For custodial parents with incomes of at least \$12,000 but less than \$20,000, the approximate value of state and federal tax credits equals the lesser of (i) 20 percent of the net child care costs paid by the custodial parent; or (ii) \$1,080 for the child care costs incurred on behalf of one child or \$2,160 for the child care costs incurred on behalf of two or more children.

For custodial parents with incomes of at least \$20,000 but less than \$25,000, the approximate value of state and federal tax credits equals the lesser of (i) 20 percent of the net child care costs paid by the custodial parent; or (ii) \$720 for the child care costs incurred on behalf of one child or \$1,440 for the child care costs incurred on behalf of two or more children.

For custodial parents with incomes of \$25,000 or more, the approximate value of state and federal tax credits equals the lesser of (i) 20 percent of the net child care costs paid by the custodial parent; or (ii) \$480 for the child care costs incurred on behalf of one child or \$960 for the child care costs incurred on behalf of two or more children. The amount allocated for child care expenses costs is considered child support, but is not subject to a cost-of-living adjustment under section 518.641.

(e) (d) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(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 (b), clause (2)(ii);

(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) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it;

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) (e) 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.

(e) (f) Any schedule prepared under paragraph (d), 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.

(f) (g) 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.

(g) (h) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) (i) 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.

(i) (j) 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 does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) (k) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) (l) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change."

Page 3, line 21, after the period, insert "The implementation plan shall include provisions for training the counties by region and for training Hennepin and Ramsey counties after the other counties have been trained but no later than July of 1995."

Page 3, line 23, after "and" insert "modification of"

Page 3, line 24, before "are" insert "orders if combined with contested child support proceedings"

Page 3, line 28, after the period, insert "Nothing contained herein shall prevent a party, upon timely notice to the public authority, from bringing a motion for the establishment, modification or enforcement of child support or maintenance orders in the district court. If the public authority is a party, or provides services to a party or parties, to a district court proceeding in which a motion for child support is pending, the motion may be decided by the district court."

Page 4, line 34, after "notices," insert "summary orders,"

Page 5, line 32, reinstate the stricken language and delete the new language

Page 6, after line 23, insert:

"(3) A party may request in writing that the public authority begin the administrative process. If the public authority determines that the request is unfounded, a summary order denying the request for relief shall be issued. The denial shall not preclude a party from bringing an action in district court. If the action in district court results in a modification of a child support order, the modification may be made retroactive only from the date of the written request for public authority action, provided that the motion in district court is brought within 14 days of the issuance of the summary order denying the request. A denial of public authority action shall not prejudice an action on the matter in district court."

Renumber the remaining paragraphs

Page 7, line 5, delete "(3)" and insert "(4)"

Page 7, line 19, after the period, insert "A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached."

Page 7, line 22, delete "(3)" and insert "(4)"

Page 8, line 6, delete "(3)" and insert "(4)"

Page 8, line 25, after the period, insert "The commissioner of human services, in consultation with the commissioner's advisory committee for child support enforcement, shall continue to develop and implement a plan to restructure the administrative process which shall include contested hearings."

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, line 7, after "sections" insert "256.87, subdivision 5; 518.171, subdivision 1;" and delete "10" and insert "5, 10,"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2067, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water or natural wetlands in Anoka county.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS, ANOKA COUNTY, TO THE CITY OF ANOKA.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Anoka county may convey to the city of Anoka the tax-forfeited lands bordering public water or natural wetlands in the city of Anoka that are described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were retained in public ownership.

(c) The conveyances must be in a form approved by the attorney general and must provide that the land reverts to the state of Minnesota if it is not used for open space purposes under applicable laws, ordinances, and regulations.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) City of Anoka, (PIN No. 35-32-25-34-0003) the south 120.00 feet of Government Lot 2, Section 35, Township 32, Range 25, said land also being known as the south 120.00 feet of Lot 27, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder;

(2) City of Anoka, (PIN No. 35-32-25-34-0002) all that part of Government Lot 2, Section 35, Township 32, Range 25, described as follows: Commencing at the northeast corner of Lot 7, Dickenson's Mississippi Estate, according to the plat on file in the office of the Anoka county recorder, said corner being the point of beginning of a line hereinafter referred to as line "A"; thence South 67 degrees 00 minutes 00 seconds East along the southeasterly extension of the north line of said Lot 7 and along line "A" 75.00 feet; thence South 85 degrees 41 minutes 00 seconds East 195.00 feet; thence South 4 degrees 19 minutes 00 seconds East 310.00 feet to the point of beginning of the land to be described; thence South 33 degrees 07 minutes 00 seconds East 213.10 feet; thence South 44 degrees 42 minutes 00 seconds East 300.00 feet; thence South 51 degrees 15 minutes 00 seconds East 230.80 feet; thence South 37 degrees 53 minutes 00 seconds East 300.00 feet; thence South 44 degrees 55 minutes 00 seconds East 300 feet, more or less, to the north line of the south 210.00 feet of said Government Lot 2, and said line "A" there terminating; thence easterly along said north line to a point on a line parallel with and 66.00 feet easterly of said line "A", as measured at right angles to said line "A"; thence northwesterly along said parallel line to a point on line "B" described as follows: Beginning at the intersection of the southwesterly line of Lot 14, said Auditor's Subdivision No. 96 and a line parallel with and 150.00 feet northwesterly of the southeasterly line of said Lot 14; thence southwesterly along said parallel line and its southwesterly extension 500.00 feet; thence southwesterly deflecting to the right 45 degrees 00 minutes 00 seconds 900 feet, more or less, to the thread of the Mississippi River and said line "B" there terminating; thence southwesterly along said line "B" to a point on said line "A"; thence southerly along said line "A" to the point of beginning;

(3) City of Anoka, (PIN No. 35-32-25-34-0005) Lot 29, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder; and

(4) City of Anoka, (PIN No. 35-32-25-34-0004) Lot 28, Auditor's Subdivision No. 96, according to the plat on file in the office of the Anoka county recorder.

Sec. 2. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS, ANOKA COUNTY; SCENIC EASEMENT RESERVED.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Anoka county may sell the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership.

(c) The conveyances must be in a form approved by the attorney general and must reserve to the state of Minnesota a scenic easement in a form prescribed by the department of natural resources.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) City of St. Francis, (PIN No. 29-34-24-11-0009) Outlot 2, King's Ranch Addition, according to the plat on file in the office of the Anoka county recorder;

(2) City of Oak Grove, (PIN No. 05-33-24-42-0002) the Northwest Quarter of the Southeast Quarter of Section 5, Township 33, Range 24, EXCEPT that part thereof lying westerly of the Rum River; and

(3) City of St. Francis, (PIN No. 05-33-24-13-0009) Outlot 22, Village of St. Francis, according to the plat on file in the office of the Anoka county recorder, EXCEPT the north 3 acres thereof.

Sec. 3. [SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS TO GOVERNMENTAL SUBDIVISIONS OR ADJACENT PRIVATE LANDOWNERS; ANOKA COUNTY.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Anoka county may convey the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2 to the governmental subdivision in which the lands are located or, if authorized by this subdivision, may sell the lands to adjoining landowners, under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were disposed of as follows:

(1) the parcels described in subdivision 2, clauses (1), (3), and (4), should be retained in public ownership and may be conveyed only to the governmental subdivision in which the lands are located; and

(2) the parcel described in subdivision 2, clause (2), may be retained in public ownership and conveyed to the governmental subdivision in which the land is located, or may be sold to owners of land adjoining the land to be sold.

(c) The conveyances must be in a form approved by the attorney general and must provide that land sold to a governmental subdivision reverts to the state if it is not used for open space purposes under applicable laws, ordinances, and regulations.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) Township of Columbus, (PIN No. 36-33-22-43-0008) that part of Government Lot 1, Section 36, Township 33, Range 22, lying southeasterly of the centerline of County Road No. 62, also known as Kettle River Boulevard, and lying northeasterly of the following described line: Commencing at the southwest corner of said Government Lot 1; thence South 89 degrees 58 minutes 19 seconds East, on an assumed bearing, along the south line of said Government Lot 1 a distance of 193.00 feet; thence North 14 degrees 01 minutes 41 seconds East 675.00 feet; thence North 0 degrees 01 minutes 41 seconds East 295.00 feet; thence South 89 degrees 58 minutes 19 seconds East 435.00 feet to the point of beginning of said line; thence South 58 degrees 55 minutes 41 seconds East 290 feet, more or less, to the shoreline of Higgins Lake, and there terminating;

(2) City of East Bethel, (PIN No. 35-33-23-32-0002) Lots 2 and 3, Block 1, Lake View Point, according to the plat on file in the office of the Anoka county recorder;

(3) City of East Bethel, (PIN No. 16-33-23-44-0001) all that part of Government Lot 8, Section 16, Township 33, Range 23, lying easterly of the northerly extension of the east line of the Northwest Quarter of the Northeast Quarter of Section 21, Township 33, Range 23; and

(4) City of Oak Grove, (PIN No. 16-33-24-22-0005) Lot 17, Auditor's Subdivision No. 20, according to the plat on file in the office of the Anoka county recorder.

Sec. 4. [PUBLIC SALE OF TAX-FORFEITED LAND BORDERING ON PUBLIC WATER OR NATURAL WETLANDS; ANOKA COUNTY; CONSERVATION EASEMENT REQUIRED.]

Subdivision 1. [SALE REQUIREMENTS.] (a) Notwithstanding Minnesota Statutes, sections 92.45, 103F.535, and 282.018, subdivision 1, Anoka county may sell the tax-forfeited lands bordering public water or natural wetlands that are described in subdivision 2 under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership. The purchaser of the land described in subdivision 2, clause (3), must agree to record a conservation easement in a form prescribed by the department of natural resources.

(c) The conveyances must be in a form approved by the attorney general.

Subd. 2. [DESCRIPTIONS.] The lands that may be conveyed are located in Anoka county and, as set forth in each of the following clauses, are designated by the parcel number contained within the parentheses, and are legally described as specified:

(1) City of Ham Lake, (PIN No. 19-32-23-21-0001) the west two-thirds of the Northeast Quarter of the Northwest Quarter of Section 19, Township 32, Range 23;

(2) City of Coon Rapids, (PIN No. 09-31-24-11-0002) all that part of the north 25 acres of the Northeast Quarter of the Northeast Quarter of Section 9, Township 31, Range 24, lying easterly of the centerline of Coon Creek, EXCEPT the east 100.00 feet thereof; and

(3) City of Andover, (PIN No. 34-32-24-23-0055) Outlot B, Red Oaks Manor 5th Addition, according to the plat on file in the office of the Anoka county recorder.

Sec. 5. [SALE OF ACQUIRED STATE LAND; ANOKA COUNTY.]

(a) Notwithstanding the public sale requirements of Minnesota Statutes, sections 94.09 to 94.165, the commissioner of natural resources may sell by private sale the land which is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 94.

(b) The conveyance must be in a form approved by the attorney general.

(c) The land that may be sold is located in Anoka county, consists of about 0.09 acres, and is described as follows:

That part of Government Lot 1, Section 10, Township 33 North, Range 24 West, lying northeasterly of Lots 3, 4 and 5 of Block 2, Eakman's Addition to Shady Oaks, according to the plat on file and of record in the Office of the County Recorder; lying southwesterly of the southwesterly right-of-way line of Lake George Drive as recorded in that certain right-of-way easement filed for record on October 26, 1973, as Document No. 399586; and lying easterly of the northerly extension of the west line of Lot 5 of Block 2, Eakman's Addition to Shady Oaks; and

That part of Government Lot 1, Section 10, Township 33 North, Range 24 West, lying northeasterly of Lot 6 of Block 2, Eakman's Addition to Shady Oaks, according to the plat on file and of record in the Office of the County Recorder; lying southwesterly of the southwesterly right-of-way line of Lake George Drive as recorded in that certain right-of-way easement filed for record on October 26, 1973, as Document No. 399586; lying westerly of the northerly extension of the east line of Lot 6 of Block 2, Eakman's Addition to Shady Oaks; and lying easterly of Verdin St.

(d) The commissioner has determined that the land is no longer useful for any natural resource purpose, or any other public purpose, and intends to sell this unneeded land to the adjoining landowners to provide them with additional land to comply with zoning requirements and to provide legal access.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective 30 days after final enactment.

Amend the title as follows:

Page 1, line 4, before the period, insert "; authorizing the sale of certain state land in Anoka county"

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.

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

H. F. No. 2200, A bill for an act relating to game and fish; preference to certain aged or disabled hunters in issuance of game refuge deer permits; amending Minnesota Statutes 1993 Supplement, section 97A.091, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 1, after the comma, insert "up to"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kahn from the Committee on Governmental Operations and Gambling to which was referred:

H. F. No. 2212, A bill for an act relating to the environment; genetically engineered organisms; authorizing the department of agriculture to exempt certain federally monitored releases; authorizing the environmental quality board to adopt rules relating to certain releases; providing for certain exemptions; amending Minnesota Statutes 1992, sections 18F.01; 18F.02, subdivisions 1, 5, and by adding a subdivision; 18F.04; 18F.07; 18F.12; 116C.91, subdivision 1; 116C.94; and 116C.96; proposing coding for new law in Minnesota Statutes, chapters 18F; and 116C; repealing Minnesota Statutes 1992, section 18F.02, subdivision 7.

Reported the same back with the following amendments:

Page 2, line 3, delete "and/or" and insert "or"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2237, A bill for an act relating to game and fish; requiring informational meetings and an open season on giant Canada geese in a certain area prior to the regular goose season; proposing coding for new law in Minnesota Statutes, chapter 97B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [97B.804] [LAC QUI PARLE WATERFOWL SEASONS AND NOTICE.]

Annually, the commissioner must hold a public informational meeting in the vicinity of the Lac qui Parle wildlife management area at least a week before the goose season opens. The commissioner must publish notice of the meeting within each county included in the goose zone that encompasses the Lac qui Parle wildlife management area, not less than one nor more than two weeks before the meeting date.

Sec. 2. [STUDY.]

The commissioner of the pollution control agency shall study, and make recommendations on, pollution from migratory waterfowl that affects water quality in the Minnesota River above the Lac qui Parle dam. A report shall be prepared and presented to the house and senate committees on environment and natural resources."

Amend the title as follows:

Page 1, line 3, delete "and an open season on giant Canada geese"

Page 1, line 4, after the semicolon, insert "directing a study of waterfowl pollution of certain waters;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Osthoff from the Committee on Transportation and Transit to which was referred:

H. F. No. 2360, A bill for an act relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

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

The report was adopted.

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

H. F. No. 2429, A bill for an act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.

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

The report was adopted.

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

H. F. No. 2439, A bill for an act relating to local government; authorizing the city of Gaylord to establish special service districts.

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

The report was adopted.

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

H. F. No. 2451, A resolution memorializing the President and Congress to act expeditiously in procuring a site or sites for the storage of high-level radioactive waste.

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

The report was adopted.

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

H. F. No. 2475, A bill for an act relating to real property; eliminating authority of county recorders to collect certain fees; repealing Minnesota Statutes 1993 Supplement, section 357.18, subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 508.82, is amended to read:

508.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), (17), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original certificate of title, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new certificate of title is issued and for the issuance and registration of the new certificate of title, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate certificates, \$15;

(5) for issuing each residue certificate, \$20;

(6) for exchange certificates, \$10 for each certificate canceled and \$10 for each new certificate issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under this chapter, such fee as the court shall determine;

(12) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the condominium plat with a minimum fee of \$10;

(16) for filing a condominium declaration and plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment thereto;

(17) for the filing of a certified copy of a plat of the survey pursuant to section 508.23 or 508.671, \$10;

(18) for filing a registered land survey in triplicate in accordance with section 508.47, subdivision 4, \$30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508.47, subdivision 4, \$10.

Sec. 2. Minnesota Statutes 1993 Supplement, section 508A.82, is amended to read:

508A.82 [REGISTRAR'S FEES.]

The fees to be paid to the registrar shall be as follows:

(1) of the fees provided herein, five percent of the fees collected under clauses (3), (4), (10), (12), (13), (14), (16), and (18), for filing or memorializing shall be paid to the state treasurer and credited to the general fund; ~~plus a \$4.50 surcharge shall be charged and collected in addition to the total fees charged for each transaction under clauses (2) to (5), (10), (12), (14), and (18), with 50 cents of this surcharge to be retained by the county to cover its administrative costs and \$4 to be paid to the state treasury and credited to the general fund;~~

(2) for registering each original CPT, and issuing a duplicate of it, \$30;

(3) for registering each instrument transferring the fee simple title for which a new CPT is issued and for the issuance and registration of the new CPT, \$30;

(4) for the entry of each memorial on a certificate and endorsements upon duplicate CPTs, \$15;

(5) for issuing each residue CPT, \$20;

(6) for exchange CPTs, \$10 for each CPT canceled and \$10 for each new CPT issued;

(7) for each certificate showing condition of the register, \$10;

(8) for any certified copy of any instrument or writing on file in the registrar's office, the same fees allowed by law to county recorders for like services;

(9) for a noncertified copy of any instrument or writing on file in the office of the registrar of titles, or any specified page or part of it, an amount as determined by the county board for each page or fraction of a page specified. If computer or microfilm printers are used to reproduce the instrument or writing, a like amount per image;

(10) for filing two copies of any plat in the office of the registrar, \$30;

(11) for any other service under sections 508A.01 to 508A.85, the fee the court shall determine;

(12) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is paid in the same manner as the compensation of other county employees, \$50, plus \$10 to memorialize;

(13) for issuing a duplicate CPT pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$10;

(14) for filing a condominium plat or an amendment to it in accordance with chapter 515, \$30;

(15) for a copy of a condominium plat filed pursuant to chapters 515 and 515A, the fee shall be \$1 for each page of the plat with a minimum fee of \$10;

(16) for filing a condominium declaration and condominium plat or an amendment to it in accordance with chapter 515A, \$10 for each certificate upon which the document is registered and \$30 for the filing of the condominium plat or an amendment to it;

(17) in counties in which the compensation of the examiner of titles is paid in the same manner as the compensation of other county employees, for each parcel of land contained in the application for a CPT, as the number of parcels is determined by the examiner, a fee which is reasonable and which reflects the actual cost to the county, established by the board of county commissioners of the county in which the land is located;

(18) for filing a registered land survey in triplicate in accordance with section 508A.47, subdivision 4, \$30;

(19) for furnishing a certified copy of a registered land survey in accordance with section 508A.47, subdivision 4, \$10."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "recorders" insert "and registrars of titles" and after the semicolon, insert "amending Minnesota Statutes 1993 Supplement, sections 508.82; and 508A.82;"

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

The report was adopted.

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

H. F. No. 2487, A bill for an act relating to local government; authorizing towns in Olmsted county to adopt and enforce the state building code.

Reported the same back with the following amendments:

Page 1, line 12, delete "; OTHER CONTRACTS"

Page 1, line 15, delete "A town may"

Page 1, delete lines 16 to 18

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2497, A bill for an act relating to game and fish; requiring availability of 24-hour angling licenses until the end of the season; amending Minnesota Statutes 1992, section 97A.485, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 19, delete "angling season" and insert "license year"

Amend the title as follows:

Page 1, line 3, delete "season" and insert "license year"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2665, A bill for an act relating to parks and recreation; adding lands to certain state parks; converting certain recreation areas to state parks; deleting land from a recreation area; combining a trail and certain waysides

into a recreation area; abolishing a state park; amending Minnesota Statutes 1992, section 85.054, by adding a subdivision; repealing Minnesota Statutes 1992, sections 85.012, subdivision 24; and 85.013, subdivisions 16, 18a, 24, 26, and 28.

Reported the same back with the following amendments:

Page 3, after line 4, insert:

"Notwithstanding the provisions of section 85.012, subdivision 1, tax-forfeited land located within Tettegouche state park is not withdrawn from sale and transferred from the custody of the county board."

Page 4, line 15, delete everything after the first comma and insert "section"

Page 4, line 16, delete the first "and"

Amend the title as follows:

Page 1, line 9, delete everything before "85.013," and insert "section"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2729, A bill for an act relating to snowmobiles; clarifying restrictions on operation by certain minors and responsibilities of owners; amending Minnesota Statutes 1993 Supplement, section 84.872.

Reported the same back with the following amendments:

Page 1, line 23, after "land" insert ", public easement,"

Page 2, line 4, after "lands" insert ", public easements,"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1449, 1659, 1840, 1936, 2046, 2055, 2200, 2212, 2237, 2360, 2429, 2451, 2487, 2497, 2665 and 2729 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 844, 1750 and 2086 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McGuire introduced:

H. F. No. 2977, A bill for an act relating to data practices; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; amending Minnesota Statutes 1992, section 256.0361, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 13.46, subdivision 4.

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

Anderson, I., introduced:

H. F. No. 2978, A bill for an act relating to education; modifying teacher contract arbitration provisions; amending Minnesota Statutes 1992, section 179A.16, by adding a subdivision.

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

Bishop; Pugh; Brown, C.; Murphy and Macklin introduced:

H. F. No. 2979, A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

Carlson, Rodosovich, Bertram, Leppik and Seagren introduced:

H. F. No. 2980, A bill for an act relating to commerce; directing the commissioner of commerce to conduct a study of the Minnesota pawnbroker industry.

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

Olson, M., introduced:

H. F. No. 2981, A bill for an act relating to education; requiring all students' performances to be assessed; repealing the requirement for an amended graduation rule; amending Minnesota Statutes 1992, section 120.101, subdivision 8, and by adding a subdivision; repealing Minnesota Statutes 1993 Supplement, section 121.11, subdivision 7c.

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

Asch introduced:

H. F. No. 2982, A bill for an act relating to ethics in government; requiring certain notice and public hearing by a local government lobbying certain issues; requiring conflict of interest and economic interest disclosure by local officials and public employees; providing a code of ethics for local officials and public employees; creating an employee review board to determine conflicts of interest for state employees; changing the name of the ethical practices board; imposing penalties; amending Minnesota Statutes 1992, sections 10A.02, subdivision 1; and 43A.38, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 10A; proposing coding for new law as Minnesota Statutes, chapter 10B.

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

Battaglia, for the Committee on Environment and Natural Resources Finance, introduced:

H. F. No. 2983, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; appropriating money, with certain conditions; amending Minnesota Statutes 1992, section 103F.175.

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

Bishop, Skoglund, Reding, Farrell and Osthoff introduced:

H. F. No. 2984, A bill for an act relating to insurance; health plans; prohibiting provisions that grant the health carrier a subrogation right, except where the covered person has been fully compensated from another source; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Wejcman introduced:

H. F. No. 2985, A bill for an act relating to crime; driver license suspension; clarifying the conditions under which a juvenile who violates the underage drinking law may receive driver license suspension; amending Minnesota Statutes 1993 Supplement, section 340A.503, subdivision 1.

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

Carruthers introduced:

H. F. No. 2986, A bill for an act relating to education; modifying the referendum allowance reduction; amending Minnesota Statutes 1993 Supplement, section 124A.03, subdivision 3b.

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

Greenfield, Lourey, Winter and Clark introduced:

H. F. No. 2987, A bill for an act relating to human services; increasing the state standard of need in the program of aid to families with dependent children; 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.

Girard, Davids and Bertram introduced.

H. F. No. 2988, A bill for an act relating to taxation; providing that certain sales to veterinarians are exempt from the sales tax; amending Minnesota Statutes 1992, section 297A.25, subdivision 9.

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

Bertram, Asch and Stanius introduced:

H. F. No. 2989, A bill for an act relating to taxation; hospital and health care providers gross earnings taxes; exempting certain payments; requiring reporting of certain expenses paid by third-party purchasers; imposing penalties; amending Minnesota Statutes 1993 Supplement, sections 295.53, subdivision 1; and 295.582.

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

Bertram; Cooper; Brown, C.; Johnson, V., and Krueger introduced:

H. F. No. 2990, A bill for an act relating to insurance; township mutual fire insurance; allowing companies to issue policies in combination with the policies of other insurers; proposing coding for new law in Minnesota Statutes, chapter 67A.

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

Bertram, Opatz and Gruenes introduced:

H. F. No. 2991, A bill for an act relating to traffic regulations; authorizing immediate towing after 12 hours advance notice of restricted parking in cities under 50,000; amending Minnesota Statutes 1992, section 169.041, subdivision 4.

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

Carruthers introduced:

H. F. No. 2992, A bill for an act relating to education; modifying the formula for abatement aids; appropriating money; amending Minnesota Statutes 1992, sections 124.214, subdivision 2; and 124A.032.

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

Workman, McCollum, Kelso, Frerichs and Pauly introduced:

H. F. No. 2993, A bill for an act relating to metropolitan government; establishing four-year community-based transit service initiative demonstration program; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Sekhon introduced:

H. F. No. 2994, A bill for an act relating to retirement; teachers retirement association; permitting certain retired members to choose a different annuity option.

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

Kelley, Pauly and Orenstein introduced:

H. F. No. 2995, A bill for an act relating to crime prevention; providing release conditions for persons charged with crimes against persons; providing for the treatment of the firearms of persons charged; proposing coding for new law in Minnesota Statutes, chapter 629.

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

Pawlenty and Commers introduced:

H. F. No. 2996, A bill for an act relating to retirement; authorizing the city of Eagan to make certain lump sum payments to volunteer firefighters.

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

Stanius, Finseth and Johnson, V., introduced:

H. F. No. 2997, A bill for an act relating to game and fish; prohibiting additional regulation of archery bows; amending Minnesota Statutes 1992, section 97B.051.

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

Stanius, Finseth and Johnson, V., introduced:

H. F. No. 2998, A bill for an act relating to game and fish; allowing use of retractable broadhead arrows in taking big game; amending Minnesota Statutes 1992, section 97B.211, subdivision 2.

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

Stanius, Finseth, Peterson, Asch and Johnson, V., introduced:

H. F. No. 2999, A bill for an act relating to game and fish; authorizing the taking of two deer in a certain area; amending Minnesota Statutes 1992, section 97B.301, by adding a subdivision.

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

Olson, K.; Dorn and Hausman introduced:

H. F. No. 3000, A bill for an act relating to education; appropriating money for community living programs for youths with disabilities.

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

Tunheim, Olson, K.; Johnson, R.; Morrison and Brown, C., introduced:

H. F. No. 3001, A bill for an act relating to education; special education; expanding essential personnel to include directors and supervisors; amending Minnesota Statutes 1993 Supplement, section 124.32, subdivision 1f.

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

Kelso, Bauerly, Koppendray and Orenstein introduced.

H. F. No. 3002, A bill for an act relating to health; developing a program for teens with a goal of reducing teen pregnancy; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Krueger, Kinkel, Wenzel and Nelson introduced:

H. F. No. 3003, A bill for an act relating to education; providing aid to combined or consolidated school districts; appropriating money; 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.

Jaros introduced:

H. F. No. 3004, A bill for an act relating to elections; providing for simulated elections for minors; proposing coding for new law in Minnesota Statutes, chapter 204B.

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

Krueger, Kahn and Johnson, R., introduced:

H. F. No. 3005, A bill for an act relating to state government; creating an employee training incentive program; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Stanis introduced:

H. F. No. 3006, A bill for an act relating to education; modifying general education revenue formula allowance; modifying the earmark of general education revenue for staff development; appropriating money; amending Minnesota Statutes 1993 Supplement, sections 124A.22, subdivision 2; and 124A.29, subdivision 1; Laws 1993, chapter 224, article 1, section 41, subdivision 2.

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

Cooper, Gruenes and Lourey introduced:

H. F. No. 3007, A bill for an act relating to health; establishing health care network cooperatives and health provider cooperatives; establishing licensure, solvency and other requirements for health care cooperatives; providing loans to integrated service networks; expanding the summer health care intern program; providing grants for emergency room coverage and rural medical school planning; requiring a study of physical therapist degree programs; appropriating money; amending Minnesota Statutes 1992, section 256.9657, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 62N.23; and 144.1464; proposing coding for new law in Minnesota Statutes, chapters 62E; and 144; proposing coding for new law as Minnesota Statutes, chapter 308B.

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

Vellenga, Leppik, Krueger, Lasley and Osthoff introduced:

H. F. No. 3008, A bill for an act relating to education; establishing a grant program to assist school districts in using technology to improve education; appropriating money.

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

Murphy and Carlson introduced:

H. F. No. 3009, A bill for an act relating to education; changing the designation of Fond du Lac center; clarifying its mission; appropriating money; amending Minnesota Statutes 1992, section 136.60; proposing coding for new law in Minnesota Statutes, chapter 136.

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

Leppik introduced:

H. F. No. 3010, A bill for an act relating to health; continuing the planning for the establishment of the institute for child and adolescent sexual health; providing for pilot projects; requiring reports; appropriating money.

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

Osthoff and McCollum introduced:

H. F. No. 3011, A bill for an act relating to highways; changing mileage limitation for municipal state-aid streets; amending Minnesota Statutes 1992, section 162.09, subdivision 1.

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

McCollum introduced:

H. F. No. 3012, A bill for an act relating to transportation; establishing and providing for appointments to an advisory council on major transportation projects; appropriating money.

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

Brown, K., by request, introduced:

H. F. No. 3013, A bill for an act relating to landlords and tenants; clarifying the effective date for certain tenant report provisions; amending Minnesota Statutes 1993 Supplement, section 504.30, subdivision 4.

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

Ness, Bauerly, Vellenga, Cooper and Bettermann introduced:

H. F. No. 3014, A bill for an act relating to education; providing four years of revenue for all districts in the cooperation and combination program; amending Minnesota Statutes 1992, section 124.2725, subdivision 16; Minnesota Statutes 1993 Supplement, section 124.2725, subdivisions 2, 4, 5, 6, and 9.

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

Murphy, Limmer, Swenson, Skoglund and McGuire introduced:

H. F. No. 3015, A bill for an act relating to corrections; establishing productive day initiative programs in local correctional facilities in Hennepin, Ramsey, and St. Louis counties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 241.

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

Lindner, Bettermann, Van Engen, Tompkins and Nelson introduced:

H. F. No. 3016, A bill for an act relating to marriage; declaring certain marriages contracted in other states to be invalid in Minnesota; amending Minnesota Statutes 1992, section 517.20.

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

Jefferson, Trimble, Peterson and Carruthers introduced:

H. F. No. 3017, A bill for an act relating to dangerous dogs; changing the definition of a dangerous dog; restricting the ability to license a dangerous dog; requiring the production of a dog under certain circumstances; imposing penalties; providing a civil fine for dangerous dog offenses; amending Minnesota Statutes 1992, sections 347.50, subdivisions 2, 3, and 6; 347.51, subdivision 2; and 347.54, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 347.

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

Milbert introduced:

H. F. No. 3018, A bill for an act relating to the city of South St. Paul; authorizing the extension of the duration of a tax increment financing district.

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

Jefferson, Garcia, Morrison, Olson, K., and Lieder introduced:

H. F. No. 3019, A bill for an act relating to transportation; establishing and providing for appointments to an advisory council to study and report on statewide paratransit; appropriating money.

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

Dauner introduced:

H. F. No. 3020, A bill for an act relating to alcoholic beverages; authorizing the Clay county board to issue one off-sale intoxicating liquor license.

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

Sviggum and Kalis introduced:

H. F. No. 3021, A bill for an act relating to education; modifying state aid for districts that reorganize; amending Minnesota Statutes 1992, section 124A.22, subdivision 2a.

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

Trimble, Farrell, Dawkins, Mariani and Orenstein introduced:

H. F. No. 3022, A bill for an act relating to retirement; St. Paul teachers retirement fund association; requiring proportional representation for various membership groups on the association board of trustees; proposing coding for new law in Minnesota Statutes, chapter 354A.

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

Rest introduced:

H. F. No. 3023, A bill for an act relating to retirement; Crystal and New Hope volunteer firefighters relief associations; authorizing a consolidated volunteer firefighters relief association for a joint powers fire department servicing the cities of Crystal and New Hope; authorizing a conversion of existing defined benefit plans to a defined contribution plan; ratifying prior benefit plans and related actions; repealing Laws 1969, chapter 1088; Laws 1971, chapter 114; Laws 1978, chapters 562, section 32; and 753; Laws 1979, chapters 97; and 201, section 27; Laws 1981, chapter 224, sections 250 and 254.

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

Tunheim introduced:

H. F. No. 3024, A bill for an act relating to education; changing computations for purposes of sparsity and supplemental revenue; amending Minnesota Statutes 1993 Supplement, section 124A.22, subdivision 5.

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

Evans, Asch, Opatz, Krueger and Knickerbocker introduced:

H. F. No. 3025, A bill for an act relating to state government; requiring the state to provide citizens with electronic access to state agencies for the purpose of obtaining certain licenses and permits; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Orenstein introduced:

H. F. No. 3026, A bill for an act relating to taxation; extending the availability of valuation exclusions for certain improvements made to property in 1992; amending Laws 1993, chapter 375, article 5, section 44.

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

Mosel; Anderson, I.; Peterson; Kalis and Olson, E., introduced:

H. F. No. 3027, A bill for an act relating to taxation; sales and use tax; providing an exemption for certain capital equipment purchases.

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

Orenstein and Rest introduced:

H. F. No. 3028, A bill for an act relating to taxation; requiring disclosure of and a vote by local governing bodies on increases in property taxes due to reduced market value; amending Minnesota Statutes 1993 Supplement, section 275.065, subdivision 6.

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

Kahn and Gruenes introduced:

H. F. No. 3029, A bill for an act relating to alcoholic beverages; increasing the amount of malt liquor that may be brewed on the premises of a brewery-restaurant; amending Minnesota Statutes 1992, section 340A.301, subdivision 6.

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

McGuire introduced:

H. F. No. 3030, A bill for an act relating to child support; requiring the court reserve child support pending a custody evaluation under certain circumstances; amending Minnesota Statutes 1992, section 518.18.

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

Carlson, Seagren, Ozment, Kinkel and Skoglund introduced:

H. F. No. 3031, A bill for an act relating to education; expanding payment of special education aid to include special education cooperatives or intermediate school districts as designated by a participating school district; amending Minnesota Statutes 1993 Supplement, section 124.32, subdivision 12.

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

Pugh; Johnson, V.; Milbert and Dorn introduced:

H. F. No. 3032, A bill for an act relating to game and fish; clarifying the purposes for which various game and fish revenues may be spent; requiring establishment of citizen oversight committees to review expenditures of game and fish revenues; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1992, sections 97A.055, by adding a subdivision; 97A.061, subdivision 1; 97A.071, subdivision 3, and by adding subdivisions; 97A.075, subdivisions 2, 3, and 4; 97A.165; 97A.475, subdivisions 6, 7, 8, and 13; and 97A.485, subdivision 7; Minnesota Statutes 1993 Supplement, sections 97A.055, subdivision 4; 97A.061, subdivision 3; 97A.071, subdivision 2; and 97A.475, subdivision 12; repealing Minnesota Statutes 1992, sections 97A.065, subdivision 3; 97A.071, subdivision 4; 97A.475, subdivision 9; and 103E.615, subdivision 6.

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

Olson, E., introduced:

H. F. No. 3033, A bill for an act relating to education; establishing a pilot continuing education program in multicultural education for teachers in independent school district No. 38, Red Lake; appropriating money.

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

Erhardt and Seagren introduced:

H. F. No. 3034, A bill for an act relating to education; restoring intermediate school districts; modifying staff development revenue; repealing limits on referendum revenue; amending Minnesota Statutes 1993 Supplement, sections 124.2727, subdivision 6; 124A.29, subdivision 1; and 298.28, subdivision 4; Laws 1992, chapter 499, article 6, section 39, subdivision 3; repealing Minnesota Statutes 1992, section 124.19, subdivision 1b; Minnesota Statutes 1993 Supplement, sections 120.101, subdivision 5b; and 124A.03, subdivisions 1c and 3b; Laws 1993, chapter 224, article 1, section 37.

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

Perlt, Greiling, Swenson, McCollum and Neary introduced:

H. F. No. 3035, A bill for an act relating to education; modifying joint powers agreements for facilities; modifying debt service equalization program for a joint powers district; appropriating money; amending Minnesota Statutes 1992, sections 121.155, subdivision 1; and 124.95, subdivision 4; Minnesota Statutes 1993 Supplement, section 124.95, subdivisions 1 and 3; repealing Minnesota Statutes 1992, sections 124.491; 124.492; 124.493; 124.494, as amended; 124.4945; 124.4946; and 124.495, are repealed.

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

Girard introduced:

H. F. No. 3036, A bill for an act relating to crime prevention; prohibiting installation or use of an observation device inside or outside a private place, without consent of persons entitled to privacy; providing penalties; amending Minnesota Statutes 1992, section 609.746, by adding a subdivision.

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

Holsten, Smith, Perlt, Pugh and Van Engen introduced:

H. F. No. 3037, A bill for an act relating to public safety; regulating explosives, blasting agents, explosive devices, and incendiary devices; imposing penalties; amending Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivision 2, and by adding subdivisions; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; proposing coding for new law in Minnesota Statutes, chapters 299F; and 609; repealing Minnesota Statutes 1992, sections 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, as amended; Minnesota Statutes 1993 Supplement, sections 299F.811; and 609.902, subdivision 4.

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

Luther, Carruthers, Bergson and Dawkins introduced:

H. F. No. 3038, A bill for an act relating to tax increment financing; providing for qualified economic development districts; amending Minnesota Statutes 1992, section 469.177, subdivision 5; Minnesota Statutes 1993 Supplement, sections 273.1399, subdivision 1; and 469.175, subdivision 1.

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

Olson, K.; Vellenga; McCollum; Greiling and Tunheim introduced:

H. F. No. 3039, A bill for an act relating to education; modifying fees of regional management information centers; prohibiting a property tax levy by a cooperative unit of government for education; providing for various cooperative units of government for education; modifying educational cooperative service units; increasing district cooperation revenue; repealing the repealer of laws enabling cooperative units; appropriating money; amending Minnesota Statutes 1992, sections 121.935, subdivision 6; 123.35, subdivision 19a, and by adding subdivisions; 123.58, subdivisions 2 and

4; 136D.281, by adding a subdivision; 136D.741, by adding a subdivision; and 136D.88, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 123.58, subdivisions 6, 7, 8, and 9; 124.155, subdivisions 1 and 2; and 124.2727, subdivisions 6a and 6d; proposing coding for new law in Minnesota Statutes, chapter 123; repealing Minnesota Statutes 1992, sections 121.935, subdivision 7; 122.91, subdivisions 5 and 7; 122.93, subdivision 7; 122.937; 122.94, subdivisions 2, 3, and 6; 122.945; 136D.22, subdivision 3; 136D.27; 136D.71, subdivision 2; 136D.73, subdivision 3; 136D.74, subdivisions 2a and 2b; 136D.82, subdivision 3; and 136D.87; Minnesota Statutes 1993 Supplement, sections 121.935, subdivision 5; and 124.2727, subdivisions 6, 7, and 8; Laws 1992, chapter 499, article 6, section 39, subdivision 3.

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

Pauly, Morrison, Leppik and Knight introduced:

H. F. No. 3040, A bill for an act relating to energy; reestablishing electric energy policy; establishing a hierarchy of preferred electric energy sources; establishing a legislative task force to oversee implementation of energy policy; establishing intervenor compensation account with revenues from utility assessments; clarifying the availability of intervenor compensation in proceedings before the public utilities commission; authorizing the public utilities commission to set discounted rates for low-income customers; establishing specific guidelines for payment to small power producers and cogenerators under certain circumstances; requiring compliance by a utility with a conservation improvement and resource planning requirements prior to the utility seeking a certificate of need for new or expanded facilities and rate increases; amending various statutes to conform with the reestablished energy policy; providing funding for the building energy research center and the energy center at the Red Wing/Winona technical college; providing demonstration grants for wind energy conversion facilities at public postsecondary institutions; providing for state bonding; appropriating money; amending Minnesota Statutes 1992, sections 216A.07, subdivision 3; 216A.085, subdivision 1; 216B.01; 216B.02, by adding subdivisions; 216B.03; 216B.11; 216B.16, subdivision 6, and by adding a subdivision; 216B.162, subdivisions 2, 4, and 8; 216B.164, subdivisions 1, 3, 6, and 7; 216B.17, subdivisions 1, 6, and 6a; 216B.243, subdivisions 3, 3a, and 4; 216C.01, subdivision 1; 216C.05; 216C.09; 216C.10; 216C.14, subdivision 2; 216C.17, subdivision 5; 216C.18, subdivisions 1 and 1a; 216C.315; 216C.38, by adding a subdivision; and 216C.381, subdivision 1; Minnesota Statutes 1993 Supplement, sections 216B.16, subdivision 1; 216B.162, subdivision 7; 216B.164, subdivision 4; and 216B.2422, subdivisions 1, 2, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216B; and 216C; repealing Minnesota Statutes 1992, sections 216B.16, subdivision 10; Minnesota Statutes 1993 Supplement, section 216B.242.

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

Jefferson, Brown, C., and Van Dellen introduced:

H. F. No. 3041, A bill for an act relating to metropolitan government; providing for the ownership, financing, and use of certain sports facilities; permitting the issuance of bonds and other obligations; appropriating money; amending Minnesota Statutes 1992, sections 473.551; 473.552; 473.556; 473.561; 473.564, subdivision 2; 473.572; 473.581; 473.592; 473.595; and 473.596; proposing coding for new law in Minnesota Statutes, chapters 240A; and 473; repealing Minnesota Statutes 1992, sections 473.564, subdivision 1; and 473.571.

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

Smith, Morrison and Seagren introduced:

H. F. No. 3042, A bill for an act relating to economic development; providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for the restructuring of certain public assistance programs; providing for the creation of enterprise zones; authorizing expenditures from the housing trust fund account; authorizing pilot projects and an urban homesteading program; appropriating money; amending Minnesota Statutes 1992, sections 161.123; 256.73, by adding a subdivision; 256.74, by adding a subdivision; 256.98, subdivision 8; 256D.09, by adding a subdivision; 290.06, by adding a subdivision; 297A.15, by adding a subdivision; 297A.25, by adding a subdivision; 462A.201, by adding a subdivision; 473.375, by adding a subdivision; 473.387, by adding a subdivision; 473.388, subdivision 2; and 473.405, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.734; 256.87, subdivisions 1, 1a, and 5; and 462A.222, subdivision

3; proposing coding for new law in Minnesota Statutes, chapters 176C; 176D; 256; 469; and 473; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471; 176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; 504.33, subdivisions 1, 2, 4, 6, and 8; and 504.34, subdivisions 3, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091; 176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; 176.5401; 504.33, subdivisions 3, 5, and 7; and 504.34, subdivisions 1 and 2.

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

Pugh introduced:

H. F. No. 3043, A bill for an act relating to consumer protection; consumer credit sales; allowing a reduction in the installment payments due to the debtor's workers' compensation status; amending Minnesota Statutes 1992, section 325G.16, subdivision 5.

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

Hugoson and Vickerman introduced:

H. F. No. 3044, A bill for an act relating to capital improvements; appropriating money for the farmland wildlife populations and research center; authorizing the sale of state bonds.

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

Trimble and Mariani introduced:

H. F. No. 3045, A bill for an act relating to cities; St. Paul; appropriating money for St. Paul civic center expansion; authorizing the sale of state bonds.

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

Anderson, I., introduced:

H. F. No. 3046, A bill for an act relating to the environment; requiring town board or city council approval prior to issuance of a permit by the pollution control agency for spreading soil that contains harmful substances on land; amending Minnesota Statutes 1992, section 116.07, by adding a subdivision.

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

Munger, Jennings, Ozment, Hausman and Pauly introduced:

H. F. No. 3047, A bill for an act relating to the environment; requiring a public utility that operates a nuclear power plant in the state to plan for phasing out the generation of electricity using nuclear power and phasing in the generation of electricity using renewable resources; establishing a legislative task force; appropriating money.

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

Jaros, Rukavina, Winter and Battaglia introduced:

H. F. No. 3048, A bill for an act relating to insurance; no-fault auto; requiring coordination of benefits to prevent overpayment by insureds for duplicate coverage; amending Minnesota Statutes 1992, section 65B.61, subdivision 3.

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

Bertram introduced:

H. F. No. 3049, A bill for an act relating to civil actions; authorizing enforcement of commitments for debts related to lawful gambling activities; amending Minnesota Statutes 1992, section 541.21.

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

Johnson, R., introduced:

H. F. No. 3050, A bill for an act relating to taxation; property; classifying landing areas and public access areas of privately owned public use airports; amending Minnesota Statutes 1993 Supplement, section 273.13, subdivision 23.

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

Lourey introduced:

H. F. No. 3051, A bill for an act relating to local government in Pine county; providing for creation of sewer district and a sanitary sewer board to administer the district; providing for collection, treatment, and disposal of sewage in the Cross Lake area.

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

Cooper, Johnson, V., and Davids introduced:

H. F. No. 3052, A bill for an act relating to health; modifying standards for ambulance service attendants; amending Minnesota Statutes 1992, section 144.804, subdivision 1.

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

Perlt and Girard introduced:

H. F. No. 3053, A bill for an act relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits; amending Minnesota Statutes 1992, sections 268.03; 268.08, subdivision 1; and 268.10, subdivision 1; Minnesota Statutes 1993 Supplement, sections 268.08, subdivision 6; 268.09, subdivision 1; 268.10, subdivision 2; and 268.161, subdivision 9.

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

Tunheim; Finseth; Liedt; Olson, E., and Solberg introduced:

H. F. No. 3054, A bill for an act relating to waters; appropriating money for cost-sharing in a hydraulic model of the Red River.

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

Wejcman, Wagenius, Lasley and Murphy introduced:

H. F. No. 3055, A bill for an act relating to crime prevention; appropriating money for a grant for child abuse prevention.

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

McCollum introduced:

H. F. No. 3056, A bill for an act relating to education; establishing responsibilities relating to school bus operations, equipment, and safety; marketing technical changes; providing penalties; appropriating money; amending Minnesota Statutes 1992, sections 123.39, subdivision 1; 126.15, subdivision 4; 169.01, subdivision 6; 169.21, subdivision 2; 169.442, subdivision 1; 169.443, subdivision 8, and by adding a subdivision; 169.445, subdivisions 1 and 2; 169.446, subdivision 3; 169.447, subdivision 6; 169.64, subdivision 8; 171.01, subdivision 22; 171.321, subdivision 3; 171.3215; 609.72, subdivision 1; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 124.225, subdivision 1; and 171.321, subdivision 2; Laws 1993, chapter 224, article 12, section 39; proposing coding for new law in Minnesota Statutes, chapters 123, 127, and 169; repealing Minnesota Statutes 1992, sections 169.441, subdivisions 2 and 3; 169.442, subdivisions 2 and 3; 169.445, subdivision 3; 169.447, subdivision 3; and 169.45; Minnesota Statutes 1993 Supplement, section 123.80; Minnesota Rules, parts 3520.3600 and 3520.3700.

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

Tomassoni introduced:

H. F. No. 3057, A bill for an act relating to cities; authorizing and establishing the Chisholm/Hibbing airport authority.

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

Wenzel, Jaros, Kahn, Abrams and Workman introduced:

H. F. No. 3058, A resolution memorializing the President and Congress to act to counter aggression and relieve human suffering in Bosnia.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Wenzel moved that the rule therein be suspended and an urgency be declared so that H. F. No. 3058 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Wenzel moved that the Rules of the House be so far suspended that H. F. No. 3058 be given its second and third readings and be placed upon its final passage. The motion prevailed.

H. F. No. 3058 was read for the second time.

H. F. No. 3058, A resolution memorializing the President and Congress to act to counter aggression and relieve human suffering in Bosnia.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Huntley	Lasley	Neary	Pugh	Tompkins
Anderson, R.	Delmont	Jacobs	Leppik	Nelson	Reding	Trimble
Asch	Dempsey	Jaros	Lieder	Ness	Rest	Van Dellen
Battaglia	Dorn	Jefferson	Limmer	Olson, E.	Rhodes	Van Engen
Bauerly	Erhardt	Jennings	Lindner	Olson, K.	Rice	Vellenga
Bergson	Evans	Johnson, A.	Long	Olson, M.	Rodosovich	Vickerman
Bertram	Finseth	Johnson, R.	Lourey	Ornen	Rukavina	Wagenius
Bettermann	Frerichs	Johnson, V.	Luther	Opatz	Sarna	Waltman
Bishop	Garcia	Kalis	Lynch	Orenstein	Seagren	Weaver
Brown, C.	Girard	Kelley	Macklin	Orfield	Sekhon	Wejcman
Brown, K.	Goodno	Kelso	Mahon	Osthoff	Skoglund	Wenzel
Carlson	Greenfield	Kinkel	McGuire	Ostrom	Smith	Winter
Carruthers	Greiling	Klinzing	Milbert	Ozment	Solberg	Wolf
Commers	Gruenes	Knickerbocker	Molnau	Pauly	Stanis	Worke
Cooper	Hasskamp	Knight	Morrison	Pawlenty	Steensma	Workman
Dauner	Haukoos	Koppendraye	Mosel	Pelowski	Sviggum	Spk. Anderson, I.
Davids	Hausman	Krinkie	Munger	Perlt	Swenson	
Dawkins	Holsten	Krueger	Murphy	Peterson	Tomassoni	

The bill was passed and its title agreed to.

UNANIMOUS CONSENT

Frerichs requested unanimous consent to offer a resolution. The request was granted.

Frerichs, Hugoson, Weaver, Abrams and Bettermann introduced:

House Resolution No. 9, A house resolution eulogizing Leonard Dickinson and commemorating his life and work.

SUSPENSION OF RULES

Frerichs moved that the rules be so far suspended that House Resolution No. 9 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 9

A house resolution eulogizing Leonard Dickinson and commemorating his life and work.

Whereas, Leonard Dickinson was born in 1899 near Lake Julia in Beltrami County; and

Whereas, he began work at 17 as a cook in a logging camp and maintained his ties with the logging industry all his life, serving as president of the Dickinson Lumber Company in Bemidji; and

Whereas, Leonard Dickinson's legislative career, beginning in 1942 and ending with his retirement in 1968, covered 20 years - 16 in the House of Representatives and four in the Senate - and included a campaign for lieutenant governor; and

Whereas, he is remembered for helping to bring an airport to Bemidji, proposing to establish the Metropolitan Airports Commission, proposing and forwarding to Congress a bill recommending establishment of the St. Lawrence Seaway, and creating jobs through pipeline development projects, as well as for his sponsorship of numerous bills related to the timber industry; and

Whereas, in 1986, Leonard Dickinson received the Behling-Erickson Award for his service to northwestern Minnesota; and

Whereas, Leonard Dickinson passed away on March 13, 1994, at the age of 95; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it honors the memory of Leonard Dickinson and extends its sincere condolences to his family. In particular, the House of Representatives expresses its sympathy to Muffy Dickinson, daughter of Leonard Dickinson and House receptionist at the State Office Building's second floor.

Be It Further Resolved that the House of Representatives expresses its gratitude to Muffy Dickinson for her unfailing warmth and friendliness.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare a copy of this resolution, to be authenticated by his signature and that of the Speaker, and transmit it to Muffy Dickinson.

Frerichs moved that House Resolution No. 9 be now adopted. The motion prevailed and House Resolution No. 9 was adopted.

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 Files, herewith returned:

H. F. No. 1956, A bill for an act relating to local government; authorizing the public library systems of the county of Anoka and the city of Anoka to merge and the county to provide library services for the city.

H. F. No. 1955, A bill for an act relating to Wright county; permitting the transfer of a sheltered workshop facility to its operator without bids or consideration.

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. 2073, 1692, 1766, 2260, 2274 and 2383.

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. 1826, 1967, 2199, 2009, 2040, 1931 and 2197.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2073, A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 256.879, subdivisions 1 and 2; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3;

275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivision 5; 290A.05; 297.01, subdivision 14; 297.11, subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.0132, subdivision 3; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 270.96, subdivision 3; 272.02, subdivision 1; 272.12; 273.11, subdivision 13; 273.124, subdivisions 1 and 13; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 298.28, subdivision 9a; 469.033, subdivision 6; 473.13, subdivision 1; and 477A.013, subdivision 8; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 16A.70; 16A.71; 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

The bill was read for the first time.

Lasley moved that S. F. No. 2073 and H. F. No. 2255, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1692, A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, by adding a subdivision; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

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

S. F. No. 1766, A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

S. F. No. 2260, A bill for an act relating to public safety; making technical corrections; allowing special, coded license plates to be issued, following impoundment of former plates, to licensed driver identified by vehicle's registered owner; requiring department of public safety to keep records for five years of cancellations and disqualifications of drivers' licenses, unless rescinded; classifying offenses of following too closely and erratic lane change as serious traffic offenses for purposes of disqualifying driver from operating commercial motor vehicle; imposing a penalty for displaying invalid driver's license as being valid; requiring same waiting period for Minnesota limited driver's license whether offense was committed in Minnesota or in another state; amending Minnesota Statutes 1992, sections 168.042, subdivision 12; 171.12, subdivisions 1, 3, and 3a; 171.165, subdivision 4; and 260.151, subdivision 1; Minnesota Statutes 1993 Supplement, sections 171.22, subdivision 1; 171.29, subdivision 2; and 171.30, subdivision 2a.

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

S. F. No. 2274, A bill for an act relating to Freeborn county; permitting the appointment of the recorder and auditor/treasurer; authorizing the reorganization of county offices.

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

S. F. No. 2383, A bill for an act relating to Koochiching county; permitting the appointment of the recorder; authorizing the reorganization of the office.

The bill was read for the first time.

Anderson, I., moved that S. F. No. 2383 and H. F. No. 2429, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1826, A bill for an act relating to metropolitan government; extending reporting and effective dates for radio systems planning by the metropolitan council; extending the moratorium on applications for 800 megahertz channels.

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

S. F. No. 1967, A bill for an act relating to drivers' licenses; allowing commissioner of public safety to determine driver's test taken for license reinstatement; amending Minnesota Statutes 1992, section 171.29, subdivision 1.

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

S. F. No. 2199, A bill for an act relating to elections; codifying the congressional district plan adopted by the Minnesota special redistricting panel; proposing coding for new law in Minnesota Statutes, chapter 2; repealing Minnesota Statutes 1992, sections 2.741; 2.751; 2.761; 2.771; 2.781; 2.791; 2.801; and 2.811.

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

S. F. No. 2009, A bill for an act relating to public safety; increasing membership of emergency response commission by one representative of emergency managers; amending Minnesota Statutes 1992, section 299K.03, subdivision 3.

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

S. F. No. 2040, A bill for an act relating to family law; clarifying pension plan obligations; amending Minnesota Statutes 1992, section 518.581, subdivision 2.

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

S. F. No. 1931, A bill for an act relating to health; making changes of a technical and housekeeping nature; modifying provisions relating to lead abatement enforcement; amending Minnesota Statutes 1992, sections 126A.02, subdivision 2; 144.0723, subdivisions 1, 2, 3, 4, and 6; 144.414, subdivision 3; 144.417, subdivision 1; and 144.878, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 144.651, subdivisions 21 and 26; 144.872, subdivision 4; 144.873, subdivision 1; 144.874, subdivisions 1 and 3a; 144.8771, subdivision 2; 144.878, subdivision 5; 144.99, subdivisions 1 and 6; 157.08; 253B.03, subdivisions 3 and 4; 326.71, subdivision 4; and 326.75, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1992, section 144.0723, subdivision 5; Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, chapter 286, section 11; Laws 1993, First Special Session chapter 1, article 9, section 49.

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

S. F. No. 2197, A bill for an act relating to elections; codifying and recodifying the legislative district boundaries used for the 1992 election, with adjustments to avoid dividing the cities of Willernie and New Hope and simplify the division of Ham Lake; providing for distribution and correction of redistricting plans; amending Minnesota Statutes 1992, sections 2.031, subdivision 2; 2.043; 2.053; 2.063; 2.073; 2.083; 2.093, subdivision 2; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153, subdivision 2; 2.163; 2.173; 2.183; 2.193; 2.203, subdivision 1; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.433; 2.443; 2.453, subdivision 1; 2.463; 2.473, subdivision 2; 2.483, subdivision 2; 2.493; 2.503; 2.513, subdivision 1; 2.523; 2.533; 2.543, subdivision 1; 2.553; 2.563; 2.573; 2.583; 2.593, subdivision 2; 2.603; 2.613, subdivision 2; 2.623; 2.633, subdivision 2; 2.643; 2.653, subdivision 1; 2.663; 2.673; 2.683, subdivision 1; 2.693; and 2.703, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 2.

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

CONSENT CALENDAR

S. F. No. 1820, A bill for an act relating to counties; Olmsted; allowing the examiner of titles to be compensated as are examiners in counties of fewer than 75,000 population; amending Minnesota Statutes 1992, section 508.12, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Hugoson	Lasley	Neary	Rest	Van Dellen
Anderson, R.	Delmont	Huntley	Leppik	Nelson	Rhodes	Van Engen
Asch	Dempsey	Jacobs	Lieder	Ness	Rice	Vellenga
Battaglia	Dorn	Jaros	Limmer	Olson, E.	Rodosovich	Vickerman
Bauerly	Erhardt	Jefferson	Lindner	Olson, K.	Rukavina	Wagenius
Beard	Evans	Jennings	Long	Olson, M.	Sarna	Waltman
Bergson	Farrell	Johnson, A.	Lourey	Onnen	Seagren	Weaver
Bertram	Finseth	Johnson, R.	Luther	Opatz	Sekhon	Wejcman
Bettermann	Frerichs	Johnson, V.	Lynch	Orenstein	Simoneau	Wenzel
Bishop	Garcia	Kahn	Macklin	Orfield	Skoglund	Winter
Brown, C.	Girard	Kalis	Mahon	Osthoff	Smith	Wolf
Brown, K.	Goodno	Kelley	Mariani	Ostrom	Solberg	Worke
Carlson	Greenfield	Kelso	McCollum	Ozment	Stanisus	Workman
Carruthers	Greiling	Kinkel	McGuire	Pauly	Steensma	Spk. Anderson, I.
Clark	Gruenes	Klinzing	Milbert	Pawlenty	Sviggum	
Commers	Gutknecht	Knickerbocker	Molnau	Pelowski	Swenson	
Cooper	Hasskamp	Knight	Morrison	Perlt	Tomassoni	
Dauner	Haukoos	Koppendrayner	Mosel	Peterson	Tompkins	
Davids	Hausman	Krinkie	Munger	Pugh	Trimble	
Dawkins	Holsten	Krueger	Murphy	Reding	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 2035, A bill for an act relating to commerce; residential building contractors and remodelers; clarifying legislative intent to require maintenance of bonds until license renewal; requiring recovery fund fee proration in certain circumstances; amending Minnesota Statutes 1993 Supplement, section 326.975, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Clark	Frerichs	Jacobs	Knight	Mahon	Olson, K.
Anderson, R.	Commers	Garcia	Jaros	Koppendrayner	Mariani	Olson, M.
Asch	Cooper	Girard	Jefferson	Krinkie	McCollum	Onnen
Battaglia	Dauner	Goodno	Jennings	Krueger	McGuire	Opatz
Bauerly	Davids	Greenfield	Johnson, A.	Lasley	Milbert	Orenstein
Beard	Dawkins	Greiling	Johnson, R.	Leppik	Molnau	Orfield
Bergson	Dehler	Gruenes	Johnson, V.	Lieder	Morrison	Osthoff
Bertram	Delmont	Gutknecht	Kahn	Limmer	Mosel	Ostrom
Bettermann	Dempsey	Hasskamp	Kalis	Lindner	Munger	Ozment
Bishop	Dorn	Haukoos	Kelley	Long	Murphy	Pauly
Brown, C.	Erhardt	Hausman	Kelso	Lourey	Neary	Pawlenty
Brown, K.	Evans	Holsten	Kinkel	Luther	Nelson	Pelowski
Carlson	Farrell	Hugoson	Klinzing	Lynch	Ness	Perlt
Carruthers	Finseth	Huntley	Knickerbocker	Macklin	Olson, E.	Peterson

Pugh	Rukavina	Smith	Tomassoni	Vellenga	Wenzel
Reding	Sarna	Solberg	Tompkins	Vickerman	Winter
Rest	Seagren	Stanius	Trimble	Wagenius	Wolf
Rhodes	Sekhon	Steensma	Tunheim	Waltman	Worke
Rice	Simoneau	Sviggum	Van Dellen	Weaver	Workman
Rodosovich	Skoglund	Swenson	Van Engen	Wejcman	Spk. Anderson, I.

The bill was passed and its title agreed to.

H. F. No. 2086, A bill for an act relating to local government; abandoning judicial ditch number 37 in Redwood and Lyon counties.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hausman	Krinkie	Munger	Peterson	Tomassoni
Anderson, R.	Dehler	Holsten	Krueger	Murphy	Pugh	Tompkins
Asch	Delmont	Hugoson	Lasley	Neary	Reding	Trimble
Battaglia	Dempsey	Huntley	Leppik	Nelson	Rest	Tunheim
Bauerly	Dorn	Jacobs	Lieder	Ness	Rhodes	Van Dellen
Beard	Erhardt	Jaros	Limmer	Olson, E.	Rice	Van Engen
Bergson	Evans	Jefferson	Lindner	Olson, K.	Rodosovich	Vellenga
Bertram	Farrell	Jennings	Long	Olson, M.	Rukavina	Vickerman
Bettermann	Finseth	Johnson, A.	Lourey	Onnen	Sarna	Wagenius
Bishop	Frerichs	Johnson, R.	Luther	Opatz	Seagren	Waltman
Brown, C.	Garcia	Johnson, V.	Lynch	Orenstein	Sekhon	Weaver
Brown, K.	Girard	Kalis	Macklin	Orfield	Simoneau	Wejcman
Carlson	Goodno	Kelley	Mahon	Osthoff	Skoglund	Wenzel
Carruthers	Greenfield	Kelso	McCollum	Ostrom	Smith	Winter
Clark	Greiling	Kinkel	McGuire	Ozment	Solberg	Wolf
Commers	Gruenes	Klinzing	Milbert	Pauly	Stanius	Worke
Cooper	Gutknecht	Knickerbocker	Molnau	Pawlenty	Steensma	Workman
Dauner	Hasskamp	Knight	Morrison	Pelowski	Sviggum	Spk. Anderson, I.
Davids	Haukoos	Koppendraye	Mosel	Perlt	Swenson	

The bill was passed and its title agreed to.

H. F. No. 2562, A bill for an act relating to employment; modifying experience requirements for the labor and industry boiler inspection division chief; amending Minnesota Statutes 1992, section 183.375, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Brown, C.	Dehler	Girard	Hugoson	Kelley	Leppik
Anderson, R.	Brown, K.	Delmont	Goodno	Huntley	Kelso	Lieder
Asch	Carlson	Dempsey	Greenfield	Jacobs	Kinkel	Limmer
Battaglia	Carruthers	Dorn	Greiling	Jaros	Klinzing	Lindner
Bauerly	Clark	Erhardt	Gruenes	Jefferson	Knickerbocker	Long
Beard	Commers	Evans	Gutknecht	Jennings	Knight	Lourey
Bergson	Cooper	Farrell	Hasskamp	Johnson, A.	Koppendraye	Luther
Bertram	Dauner	Finseth	Haukoos	Johnson, R.	Krinkie	Lynch
Bettermann	Davids	Frerichs	Hausman	Johnson, V.	Krueger	Macklin
Bishop	Dawkins	Garcia	Holsten	Kalis	Lasley	Mahon

McCollum	Nelson	Ostrom	Rest	Skoglund	Trimble	Wejcman
McGuire	Ness	Ozment	Rhodes	Smith	Tunheim	Wenzel
Milbert	Olson, E.	Pauly	Rice	Solberg	Van Dellen	Winter
Molnau	Olson, K.	Pawlenty	Rodosovich	Stanius	Van Engen	Wolf
Morrison	Olson, M.	Pelowski	Rukavina	Steensma	Vellenga	Worke
Mosel	Onnen	Perlt	Sarna	Sviggum	Vickerman	Workman
Munger	Opatz	Peterson	Seagren	Swenson	Wagenius	Spk. Anderson, I.
Murphy	Orenstein	Pugh	Sekhon	Tomassoni	Waltman	
Neary	Orfield	Reding	Simoneau	Tompkins	Weaver	

The bill was passed and its title agreed to.

H. F. No. 2679, A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

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	Dawkins	Hausman	Koppendraye	Mosel	Pugh	Tompkins
Anderson, R.	Dehler	Holsten	Krinkie	Munger	Reding	Trimble
Asch	Delmont	Hugoson	Krueger	Murphy	Rest	Tunheim
Battaglia	Dempsey	Huntley	Lasley	Neary	Rhodes	Van Dellen
Bauerly	Dorn	Jacobs	Leppik	Nelson	Rice	Van Engen
Beard	Erhardt	Jaros	Lieder	Ness	Rodosovich	Vellenga
Bergson	Evans	Jefferson	Limmer	Olson, K.	Rukavina	Vickerman
Bertram	Farrell	Jennings	Lindner	Olson, M.	Sarna	Wagenius
Bettermann	Finseth	Johnson, A.	Long	Onnen	Seagren	Waltman
Bishop	Frerichs	Johnson, R.	Lourey	Opatz	Sekhon	Weaver
Brown, C.	Garcia	Johnson, V.	Luther	Orenstein	Simoneau	Wejcman
Brown, K.	Girard	Kahn	Lynch	Orfield	Skoglund	Wenzel
Carlson	Goodno	Kalis	Macklin	Ostrom	Smith	Winter
Carruthers	Greenfield	Kelley	Mahon	Ozment	Solberg	Wolf
Clark	Greiling	Kelso	McCollum	Pauly	Stanius	Worke
Commers	Gruenes	Kinkel	McGuire	Pawlenty	Steensma	Workman
Cooper	Gutknecht	Klinzing	Milbert	Pelowski	Sviggum	Spk. Anderson, I.
Dauner	Hasskamp	Knickerbocker	Molnau	Perlt	Swenson	
Davids	Haukoos	Knight	Morrison	Peterson	Tomassoni	

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 1880, A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

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 100 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bertram	Brown, K.	Cooper	Delmont	Evans	Girard
Bauerly	Bettermann	Carlson	Dauner	Dempsey	Finseth	Goodno
Beard	Bishop	Carruthers	Davids	Dorn	Frerichs	Gruenes
Bergson	Brown, C.	Commers	Dehler	Erhardt	Garcia	Gutknecht

Hasskamp	Kelso	Luther	Olson, E.	Pugh	Steensma	Wenzel
Haukoos	Kinkel	Lynch	Olson, M.	Reding	Sviggum	Winter
Holsten	Klinzing	Macklin	Onnen	Rest	Swenson	Wolf
Hugoson	Knickerbocker	Mahon	Opatz	Rhodes	Tomassoni	Worke
Jacobs	Knight	Milbert	Ostrom	Rodosovich	Tompkins	Workman
Jefferson	Koppendrayner	Molnau	Ozment	Sarna	Tunheim	Spk. Anderson, I.
Jennings	Krinkie	Morrison	Pauly	Seagren	Van Dellen	
Johnson, A.	Krueger	Mosel	Pawlenty	Simoneau	Van Engen	
Johnson, R.	Lieder	Murphy	Pelowski	Smith	Vickerman	
Johnson, V.	Limmer	Nelson	Perlt	Solberg	Waltman	
Kalis	Lindner	Ness	Peterson	Stanis	Weaver	

Those who voted in the negative were:

Battaglia	Greenfield	Jaros	Lourey	Orenstein	Sekhon	Wejman
Clark	Greiling	Kahn	McGuire	Orfield	Skoglund	
Dawkins	Hausman	Kelley	Neary	Osthoff	Vellenga	
Farrell	Huntley	Long	Olson, K.	Rukavina	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 1964, A bill for an act relating to insurance; solvency; regulating reinsurance, loss reserve certifications and annual audits, and annual statements; regulating certain guaranty association coverages; modifying the incorporation requirements of domestic mutuals; amending Minnesota Statutes 1992, sections 60A.092, subdivision 7; 60A.206, subdivision 6; 60C.02, subdivision 1; 62E.10, subdivision 2; and 66A.03; Minnesota Statutes 1993 Supplement, sections 60A.129, subdivisions 3, 5, and 7; 60A.13, subdivision 1; and 61B.19, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 1992, sections 60A.80; 60A.801; and 60A.802.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hausman	Koppendrayner	Mosel	Perlt	Tomassoni
Anderson, R.	Dehler	Holsten	Krinkie	Munger	Peterson	Tompkins
Asch	Delmont	Hugoson	Krueger	Murphy	Pugh	Trimble
Battaglia	Dempsey	Huntley	Lasley	Neary	Reding	Tunheim
Bauerly	Dorn	Jacobs	Leppik	Nelson	Rest	Van Dellen
Beard	Erhardt	Jaros	Lieder	Ness	Rhodes	Van Engen
Bergson	Evans	Jefferson	Limmer	Olson, E.	Rodosovich	Vellenga
Bertram	Farrell	Jennings	Lindner	Olson, K.	Rukavina	Vickerman
Bettermann	Finseth	Johnson, A.	Long	Olson, M.	Sarna	Wagenius
Bishop	Frerichs	Johnson, R.	Lourey	Onnen	Seagren	Waltman
Brown, C.	Garcia	Johnson, V.	Luther	Opatz	Sekhon	Weaver
Brown, K.	Girard	Kahn	Lynch	Orenstein	Simoneau	Wejman
Carlson	Goodno	Kalis	Macklin	Orfield	Skoglund	Wenzel
Carruthers	Greenfield	Kelley	Mahon	Osthoff	Smith	Winter
Clark	Greiling	Kelso	McCullum	Ostrom	Solberg	Wolf
Commers	Gruenes	Kinkel	McGuire	Ozment	Stanis	Worke
Cooper	Gutknecht	Klinzing	Milbert	Pauly	Steensma	Workman
Dauner	Hasskamp	Knickerbocker	Molnau	Pawlenty	Sviggum	Spk. Anderson, I.
Davids	Haukoos	Knight	Morrison	Pelowski	Swenson	

The bill was passed and its title agreed to.

H. F. No. 423, A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, 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 106 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Jennings	Limmer	Olson, E.	Rhodes	Van Engen
Asch	Erhardt	Johnson, A.	Lourey	Olson, K.	Rodosovich	Vellenga
Battaglia	Evans	Johnson, R.	Luther	Olson, M.	Rukavina	Vickerman
Bauerly	Garcia	Johnson, V.	Lynch	Onnen	Sarna	Wagenius
Beard	Goodno	Kahn	Macklin	Opatz	Seagren	Waltman
Bergson	Greenfield	Kalis	Mahon	Orenstein	Sekhon	Weaver
Bertram	Greiling	Kelley	McCollum	Orfield	Simoneau	Wejzman
Bettermann	Gruenes	Kelso	McGuire	Ostrom	Skoglund	Winter
Brown, C.	Gutknecht	Kinkel	Milbert	Ozment	Solberg	Workman
Brown, K.	Hasskamp	Klinzing	Molnau	Pauly	Stanis	Spk. Anderson, I.
Carlson	Haukoos	Knickerbocker	Morrison	Pawlenty	Steensma	
Carruthers	Hausman	Knight	Mosel	Pelowski	Swenson	
Clark	Holsten	Krueger	Murphy	Perlt	Tomassoni	
Commers	Huntley	Lasley	Neary	Pugh	Trimble	
Dauner	Jacobs	Leppik	Nelson	Reding	Tunheim	
Dawkins	Jefferson	Lieder	Ness	Rest	Van Dellen	

Those who voted in the negative were:

Anderson, R.	Delmont	Frerichs	Koppendrayer	Peterson	Wenzel
Cooper	Dempsey	Girard	Krinkie	Smith	Wolf
Davids	Farrell	Hugoson	Lindner	Svigum	Worke
Dehler	Finseth	Jaros	Osthoff	Tompkins	

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Solberg requested immediate consideration of H. F. No. 1925.

H. F. No. 1925, A bill for an act relating to education; lowering the property tax revenue recognition shift; clarifying state aid payments; modifying the appeal process for school districts to revise the state-aid payment schedule; modifying the tax credit adjustment; amending Minnesota Statutes 1992, sections 121.904, subdivision 4e; and 124.195, subdivision 3a; Minnesota Statutes 1993 Supplement, section 121.904, subdivisions 4a and 4c; Laws 1993, chapter 224, article 1, section 38.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Brown, K.	Cooper	Delmont	Farrell	Goodno
Anderson, R.	Bergson	Carlson	Dauner	Dempsey	Finseth	Greenfield
Asch	Bertram	Carruthers	Davids	Dorn	Frerichs	Greiling
Battaglia	Bettermann	Clark	Dawkins	Erhardt	Garcia	Gruenes
Bauerly	Bishop	Commers	Dehler	Evans	Girard	Gutknecht

Hasskamp	Kalis	Lindner	Murphy	Pauly	Sekhon	Van Engen
Haukoos	Kelley	Long	Neary	Pawlenty	Simoneau	Vellenga
Hausman	Kelso	Lourey	Nelson	Pelowski	Skoglund	Vickerman
Holsten	Kinkel	Luther	Ness	Perlt	Smith	Wagenius
Hugoson	Klinzing	Lynch	Olson, E.	Peterson	Solberg	Waltman
Huntley	Knickerbocker	Macklin	Olson, K.	Pugh	Stanius	Weaver
Jacobs	Knight	Mahon	Olson, M.	Reding	Steensma	Wejcman
Jaros	Koppendrayer	McCollum	Onnen	Rest	Sviggum	Wenzel
Jefferson	Krinkie	McGuire	Opatz	Rhodes	Swenson	Winter
Jennings	Krueger	Milbert	Orenstein	Rice	Tomassoni	Wolf
Johnson, A.	Lasley	Molnau	Orfield	Rodosovich	Tompkins	Worke
Johnson, R.	Leppik	Morrison	Osthoff	Rukavina	Trimble	Workman
Johnson, V.	Lieder	Mosel	Ostrom	Sarna	Tunheim	Spk. Anderson, I.
Kahn	Limmer	Munger	Ozment	Seagren	Van Dellen	

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Carruthers, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Monday, March 21, 1994:

S. F. No. 1512; and H. F. Nos. 613, 1835, 1914 and 1934.

SPECIAL ORDERS

S. F. No. 1512 was reported to the House.

The Speaker called Kahn to the Chair.

Olson, K., moved to amend S. F. No. 1512, the unofficial engrossment, as follows:

Page 2, delete section 2

Pages 11 to 12, delete sections 18 to 20

Pages 13 to 15, delete sections 22 to 25

Page 17, line 26, delete "(a)"

Page 17, delete lines 34 to 36

Page 18, delete lines 1 to 6

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The question was taken on the Olson, K., amendment and the roll was called. There were 33 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauner	Goodno	Kalis	Olson, K.	Rhodes	Vickerman
Bertram	Davids	Gruenes	Klinzing	Olson, M.	Steensma	Waltman
Brown, C.	Dempsey	Hugoson	Koppendrayner	Ornen	Sviggum	Winter
Brown, K.	Finseth	Jennings	Molnau	Ostrom	Swenson	
Cooper	Girard	Johnson, V.	Ness	Peterson	Tunheim	

Those who voted in the negative were:

Abrams	Dorn	Jefferson	Long	Nelson	Rodosovich	Vellenga
Asch	Erhardt	Johnson, A.	Lourey	Olson, E.	Rukavina	Wagenius
Battaglia	Evans	Johnson, R.	Luther	Opatz	Sarna	Weaver
Bauerly	Farrell	Kelley	Lynch	Orenstein	Seagren	Wejcman
Beard	Frerichs	Kelso	Macklin	Orfield	Sekhon	Wenzel
Bergson	Garcia	Kinkel	Mahon	Osthoff	Simoneau	Wolf
Bettermann	Greenfield	Knickerbocker	Mariani	Ozment	Skoglund	Worke
Bishop	Greiling	Knight	McCollum	Pauly	Smith	Workman
Carlson	Gutknecht	Krinkie	McGuire	Pawlenty	Solberg	Spk. Anderson, I.
Carruthers	Haukoos	Krueger	Milbert	Pelowski	Starius	
Clark	Hausman	Lasley	Morrison	Perlt	Tomassoni	
Commers	Holsten	Leppik	Mosel	Pugh	Tompkins	
Dawkins	Huntley	Lieder	Munger	Reding	Trimble	
Dehler	Jacobs	Limmer	Murphy	Rest	Van Dellen	
Delmont	Jaros	Lindner	Neary	Rice	Van Engen	

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

Kelso moved to amend S. F. No. 1512, the unofficial engrossment, as follows:

Page 13, line 14, after "elections" insert "except school bond elections"

The motion prevailed and the amendment was adopted.

S. F. No. 1512, A bill for an act relating to elections; providing uniform local election procedures; requiring regular city elections to be held in the fall; permitting town elections to be held in November; making uniform certain local government procedures; providing for the identification of judicial offices; authorizing special elections to be conducted by mail ballot; amending Minnesota Statutes 1992, sections 103C.305, subdivision 2; 123.33, subdivision 1; 204B.14, subdivision 8; 204B.36, subdivision 4; 205.02, subdivision 2; 205.065, subdivisions 1 and 2; 205.07, subdivision 1; 205.10, by adding a subdivision; 205.13, subdivision 1, and by adding a subdivision; 205.16, subdivisions 1 and 2; 205.17, subdivision 4; 205.175; 206.90, subdivision 6; 365.51, subdivisions 1 and 3; and 367.03; proposing coding for new law in Minnesota Statutes, chapter 204D; repealing Minnesota Statutes 1992, sections 205.065, subdivision 3; 205.18; 205.20; and 410.21.

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

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Bishop	Clark	Dawkins	Erhardt	Frerichs
Asch	Bergson	Brown, K.	Commers	Dehler	Evans	Garcia
Battaglia	Bertram	Carlson	Dauner	Delmont	Farrell	Greenfield
Bauerly	Bettermann	Carruthers	Davids	Dorn	Finseth	Greiling

Gutknecht	Johnson, V.	Lieder	Milbert	Osthoff	Sarna	Van Engen
Hasskamp	Kahn	Limmer	Molnau	Ozment	Seagren	Vellenga
Haukoos	Kelley	Lindner	Morrison	Pauly	Sekhon	Wagenius
Hausman	Kelso	Long	Mosel	Pawlenty	Simoneau	Waltman
Holsten	Kinkel	Lourey	Munger	Pelowski	Skoglund	Weaver
Huntley	Klinzing	Luther	Murphy	Perlt	Smith	Wejzman
Jacobs	Knickerbocker	Lynch	Neary	Pugh	Solberg	Wenzel
Jaros	Knight	Macklin	Nelson	Reding	Stanis	Winter
Jefferson	Krinkie	Mahon	Olson, E.	Rest	Tomassoni	Wolf
Jennings	Krueger	Mariani	Opatz	Rice	Tompkins	Worke
Johnson, A.	Lasley	McCollum	Orenstein	Rodosovich	Trimble	Workman
Johnson, R.	Leppik	McGuire	Orfield	Rukavina	Van Dellen	Spk. Anderson, I.

Those who voted in the negative were:

Anderson, R.	Girard	Kalis	Olson, M.	Rhodes	Tunheim
Brown, C.	Goodno	Koppendraye	Onnen	Steensma	Vickerman
Cooper	Gruenes	Ness	Ostrom	Sviggum	
Dempsey	Hugoson	Olson, K.	Peterson	Swenson	

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

H. F. No. 613, A bill for an act relating to meetings of public bodies; changing exceptions and other conditions of the open meeting law; amending Minnesota Statutes 1992, sections 144.581, subdivision 5; and 471.705.

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.

Pursuant to rule 2.05, Orenstein requested that he be excused from voting on the final passage of H. F. No. 613. The request was granted.

There were 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Hausman	Knight	Morrison	Peterson	Tomassoni
Asch	Delmont	Holsten	Koppendraye	Mosel	Pugh	Tompkins
Battaglia	Dempsey	Hugoson	Krueger	Munger	Reding	Trimble
Bauerly	Dorn	Huntley	Leppik	Murphy	Rest	Tunheim
Beard	Erhardt	Jacobs	Lieder	Neary	Rhodes	Van Dellen
Bergson	Evans	Jaros	Limmer	Nelson	Rice	Van Engen
Bertram	Farrell	Jefferson	Lindner	Ness	Rodosovich	Vellenga
Bettermann	Finseth	Jennings	Long	Olson, E.	Rukavina	Vickerman
Bishop	Frerichs	Johnson, A.	Lourey	Olson, K.	Seagren	Wagenius
Brown, C.	Garcia	Johnson, R.	Luther	Olson, M.	Sekhon	Waltman
Brown, K.	Girard	Johnson, V.	Lynch	Opatz	Simoneau	Weaver
Carlson	Goodno	Kahn	Macklin	Orfield	Skoglund	Wejzman
Carruthers	Greenfield	Kalis	Mahon	Ostrom	Smith	Wenzel
Clark	Greiling	Kelley	Mariani	Ozment	Solberg	Winter
Commers	Gruenes	Kelso	McCollum	Pauly	Stanis	Wolf
Cooper	Gutknecht	Kinkel	McGuire	Pawlenty	Steensma	Worke
Dauner	Hasskamp	Klinzing	Milbert	Pelowski	Sviggum	Workman
Dawkins	Haukoos	Knickerbocker	Molnau	Perlt	Swenson	Spk. Anderson, I.

Those who voted in the negative were:

Anderson, R.	Davids	Krinkie	Lasley	Onnen	Sarna
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The bill was passed and its title agreed to.

H. F. No. 1835 was reported to the House.

Tunheim moved to amend H. F. No. 1835, the first engrossment, as follows:

Page 1, line 10, delete "and" and insert "in consultation with"

Page 2, line 2, after "Ontario" insert "border" and before the period insert "unless Ontario is equally restrictive on Ontario-based anglers on the same border waters"

The motion prevailed and the amendment was adopted.

Tunheim moved to amend H. F. No. 1835, the first engrossment, as amended, as follows:

Page 1, line 24, after "Ontario" insert "by a Minnesota resident"

The motion prevailed and the amendment was adopted.

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

H. F. No. 1835, A bill for an act relating to game and fish; agreements on taking and possession of fish taken from Ontario boundary waters; amending Minnesota Statutes 1993 Supplement, section 97A.531, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauner	Jacobs	Lieder	Murphy	Pelowski	Simoneau
Asch	Davids	Jaros	Limmer	Neary	Perlt	Skoglund
Bauerly	Dawkins	Jefferson	Lindner	Nelson	Peterson	Solberg
Beard	Dorn	Johnson, A.	Lourey	Ness	Pugh	Tomassoni
Bergson	Evans	Kahn	Luther	Olson, E.	Reding	Tompkins
Bertram	Farrell	Kalis	Mahon	Olson, K.	Rest	Trimble
Brown, C.	Finseth	Kelley	Mariani	Olson, M.	Rhodes	Tunheim
Brown, K.	Garcia	Kelso	McCollum	Opatz	Rice	Vellenga
Carlson	Greenfield	Kinkel	McGuire	Orenstein	Rodosovich	Wagenius
Carruthers	Hasskamp	Klinzing	Milbert	Orfield	Rukavina	Wenzel
Clark	Holsten	Krueger	Mosel	Ostrom	Sarna	Winter
Cooper	Huntley	Lasley	Munger	Pauly	Seagren	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Frerichs	Jennings	Leppik	Osthoff	Sviggum	Wejcman
Battaglia	Girard	Johnson, R.	Long	Ozment	Swenson	Wolf
Bettermann	Goodno	Johnson, V.	Lynch	Pawlenty	Van Dellen	Worke
Commers	Gruenes	Knickerbocker	Macklin	Sekhon	Van Engen	Workman
Dehler	Gutknecht	Knight	Molnau	Smith	Vickerman	
Dempsey	Haukoos	Koppendrayner	Morrison	Stanis	Waltman	
Erhardt	Hugoson	Krinkie	Onnen	Steensma	Weaver	

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

H. F. No. 1914 was reported to the House.

Jennings moved to amend H. F. No. 1914 as follows:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1992, section 51A.58, is amended to read:

51A.58 [INTERSTATE BRANCHING.]

An association, whether or not the subsidiary of a savings and loan holding company, may, by acquisition, merger, purchase and assumption of some or all of the assets and liabilities, or consolidation, establish or operate branch offices in any reciprocating state, and a savings and loan association chartered in any reciprocating state may establish or operate branch offices in this state by acquisition, merger, purchase, and assumption of some or all of the assets or liabilities or consolidation. A savings and loan holding company with its headquarters in this state may acquire by direct or indirect ownership or control the voting shares of a savings and loan holding company, savings and loan association, or savings bank located in any reciprocating state, and a savings and loan holding company with its headquarters in a reciprocating state, may acquire by direct or indirect ownership or control the voting shares of a savings and loan holding company, a savings and loan association, or savings bank located in this state, and may acquire and merge with a savings and loan holding company with its headquarters in this state. For the purposes of this section, "reciprocating state" is: (1) a state that authorizes the establishment of branch offices in that state by an association located in this state, and the acquisition of savings and loan associations and savings banks located in that state by a savings and loan holding company with its headquarters in this state, under conditions no more restrictive than those imposed by the laws of Minnesota as determined by the commissioner of commerce; and (2) ~~limited to the states specifically enumerated as reciprocating states in section 48.92, subdivision 7.~~

The commissioner of commerce shall adopt rules to provide that procedural requirements equivalent to those contained in sections 48.90 to 48.991 apply to reciprocal interstate branching and acquisitions by savings and loan associations."

Page 1, line 20, delete "2" and insert "3"

Page 1, line 21, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "reciprocal interstate savings and loan acquisitions and branching;"

Page 1, line 6, delete "section" and insert "sections" and before the period, insert "; 51A.58"

The motion prevailed and the amendment was adopted.

H. F. No. 1914, A bill for an act relating to financial institutions; reciprocal interstate banking; reciprocal interstate savings and loan acquisitions and branching; removing the geographical limitation contained in the definition of reciprocating state; amending Minnesota Statutes 1992, sections 48.92, subdivision 7; 51A.58.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Dauner	Frerichs	Hasskamp	Jefferson	Kinkel
Asch	Brown, C.	Davids	Garcia	Haukoos	Jennings	Klinzing
Battaglia	Brown, K.	Dehler	Girard	Hausman	Johnson, A.	Knickerbocker
Bauerly	Carlson	Dempsey	Goodno	Holsten	Johnson, V.	Knight
Beard	Carruthers	Dorn	Greenfield	Hugoson	Kahn	Koppendrayner
Bergson	Clark	Evans	Greiling	Huntley	Kalis	Krinkie
Bertram	Commers	Farrell	Gruenes	Jacobs	Kelley	Lasley
Bettermann	Cooper	Finseth	Gutknecht	Jaros	Kelso	Leppik

Lieder	McCollum	Ness	Pawlenty	Seagren	Trimble	Wenzel
Limmer	McGuire	Olson, E.	Pelowski	Sekhon	Tunheim	Winter
Lindner	Milbert	Olson, K.	Perlt	Skoglund	Van Dellen	Wolf
Long	Molnau	Opatz	Peterson	Smith	Van Engen	Worke
Lourey	Morrison	Orenstein	Pugh	Solberg	Vellenga	Workman
Luther	Mosel	Orfield	Reding	Stanis	Vickerman	Spk. Anderson, I.
Lynch	Munger	Osthoﬀ	Rest	Steensma	Wagenius	
Macklin	Murphy	Ostrom	Rhodes	Sviggum	Waltman	
Mahon	Neary	Ozment	Rodosovich	Swenson	Weaver	
Mariani	Nelson	Pauly	Sarna	Tomassoni	Wejman	

Those who voted in the negative were:

Anderson, R.	Dawkins	Krueger	Olson, M.	Onnen	Rice	Rukavina
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1934, A bill for an act relating to corporations; modifying provisions for the organization and operation of business corporations; amending Minnesota Statutes 1992, sections 302A.135, subdivision 4; 302A.405, subdivision 1; 302A.471, subdivision 1; 302A.661, subdivision 1; 302A.725, subdivision 3; and 302A.751, subdivisions 1, 2, and 3a; Minnesota Statutes 1993 Supplement, sections 302A.401, subdivision 1; 302A.435, subdivision 1; and 302A.673, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Holsten	Krinkie	Mosel	Perlt	Swenson
Anderson, R.	Dehler	Hugoson	Krueger	Munger	Peterson	Tomassoni
Asch	Dempsey	Huntley	Lasley	Murphy	Pugh	Tompkins
Battaglia	Dorn	Jacobs	Leppik	Neary	Reding	Trimble
Bauerly	Erhardt	Jaros	Lieder	Nelson	Rest	Tunheim
Beard	Evans	Jefferson	Limmer	Ness	Rhodes	Van Dellen
Bergson	Farrell	Jennings	Lindner	Olson, E.	Rice	Van Engen
Bertram	Finseth	Johnson, A.	Long	Olson, K.	Rodosovich	Vellenga
Bettermann	Frerichs	Johnson, R.	Lourey	Olson, M.	Rukavina	Vickerman
Bishop	Garcia	Johnson, V.	Luther	Onnen	Sarna	Wagenius
Brown, C.	Girard	Kahn	Lynch	Opatz	Seagren	Waltman
Brown, K.	Goodno	Kalis	Macklin	Orenstein	Sekhon	Weaver
Carlson	Greenfield	Kelley	Mahon	Orfield	Simoneau	Wejman
Carruthers	Greiling	Kelso	Mariani	Osthoﬀ	Skoglund	Wenzel
Clark	Gruenes	Kinkel	McCollum	Ostrom	Smith	Winter
Commers	Gutknecht	Klinzing	McGuire	Ozment	Solberg	Wolf
Cooper	Hasskamp	Knickerbocker	Millbert	Pauly	Stanis	Worke
Dauner	Haukoos	Knight	Molnau	Pawlenty	Steensma	Workman
Dauids	Hausman	Koppendrayer	Morrison	Pelowski	Sviggum	Spk. Anderson, I.

The bill was passed and its title agreed to.

GENERAL ORDERS

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

REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. No. 2142 was recommended to pass.

H. F. No. 2099 was recommended for progress.

S. F. No. 1691 was recommended for progress.

H. F. No. 1966 which it recommended to pass with the following amendment offered by Peterson:

Page 1, lines 17 and 18, delete "in direct response to" and insert "authorized by"

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

MOTIONS AND RESOLUTIONS

Long moved that her name be stricken as an author on H. F. No. 392. The motion prevailed.

Workman moved that the name of Hugoson be added as an author on H. F. No. 1079. The motion prevailed.

Swenson moved that the name of Perlit be added as an author on H. F. No. 2114. The motion prevailed.

Lasley moved that the name of Abrams be added as an author on H. F. No. 2287. The motion prevailed.

Molnau moved that her name be stricken as an author on H. F. No. 2289. The motion prevailed.

Rukavina moved that the name of Lourey be added as an author on H. F. No. 2410. The motion prevailed.

Simoneau moved that the name of Lourey be added as an author on H. F. No. 2480. The motion prevailed.

Pugh moved that the name of McGuire be added as an author on H. F. No. 2642. The motion prevailed.

McGuire moved that the name of Clark be added as an author on H. F. No. 2851. The motion prevailed.

Onnen moved that the name of Smith be added as an author on H. F. No. 2858. The motion prevailed.

Krueger moved that the name of Rest be added as an author on H. F. No. 2934. The motion prevailed.

Vellenga moved that the name of Skoglund be added as an author on H. F. No. 2939. The motion prevailed.

Luther moved that her name be stricken as an author on H. F. No. 2940. The motion prevailed.

Murphy moved that the name of Clark be added as an author on H. F. No. 2962. The motion prevailed.

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, March 3, 1994, when the vote was taken on the Greiling amendment to H. F. No. 1863, the first engrossment, as amended." The motion prevailed.

Bauerly moved that the following statement be printed in the Journal of the House: "Had I been present, it was my intention to vote in the affirmative on Thursday, March 3, 1994, when the vote was taken on the passage of H. F. No. 1863, the first engrossment, as amended." The motion prevailed.

Pauly moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, March 7, 1994, when the vote was taken on the motion to recommend passage of H. F. No. 228." The motion prevailed.

Pauly moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, March 10, 1994, when the vote was taken on the final passage of H. F. No. 228." The motion prevailed.

Van Dellen moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, March 10, 1994, when the vote was taken on the final passage of H. F. No. 1890." The motion prevailed.

Van Dellen moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, March 10, 1994, when the vote was taken on the final passage of H. F. No. 1955." The motion prevailed.

Hasskamp moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Monday, March 14, 1994, when the vote was taken on the final passage of H. F. No. 1788." The motion prevailed.

Kelley moved that the following statement be printed in the Journal of the House: "Had I been present, it was my intention to vote in the affirmative on Thursday, March 17, 1994, when the vote was taken on the repassage of H. F. No. 1863, as amended by the Senate." The motion prevailed.

Lourey moved that H. F. No. 1316 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Ways and Means. The motion prevailed.

Simoneau moved that H. F. No. 2642 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Battaglia moved that H. F. No. 2657, now on General Orders, be re-referred to the Committee on Environment and Natural Resources Finance. The motion prevailed.

Greenfield moved that H. F. No. 2855 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Judiciary. The motion prevailed.

Carruthers moved that H. F. No. 2860 be recalled from the Committee on General Legislation, Veterans Affairs and Elections and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Brown, K., moved that H. F. No. 2425 be returned to its author. The motion prevailed.

Gutknecht moved that H. F. No. 2548 be returned to its author. The motion prevailed.

ADJOURNMENT

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Tuesday, March 22, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

