

THIRTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 20, 1981

The Senate met at 1:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Laurits C. Nielsen.

The roll was called, and the following Senators answered to their names:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C.C.	Solon
Belanger	Engler	Lantry	Peterson, D.L.	Spear
Benson	Frank	Lessard	Peterson, R.W.	Stern
Berg	Frederick	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Merriam	Ramstad	Tennessee
Brataas	Humphrey	Moe, D.M.	Renneke	Ulland
Chmielewski	Johnson	Moe, R.D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf
Davies	Knutson	Olhoft	Setzepfandt	Wegener
Davis	Kroening	Pehler	Sieloff	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Mr. Keefe was excused from the Session of today. Mr. Lessard was excused from the Session of today from 1:00 to 2:30 p.m. Mr. Pillsbury was excused from the Session of today at 6:20 p.m.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Solon from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 618: A bill for an act relating to public welfare; establishing a task force to study publicly funded health care programs; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; changing resource limits for recipients of aid to families with dependent children; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors;

eliminating certain income disregards; restricting eligibility for general assistance to persons who are injured, ill, or incapacitated; redefining the term "income" for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; allowing the commissioner of public welfare to adjust eligibility and payment standards under certain circumstances; limiting emergency general assistance to fuel aid; setting a limit on the personal needs allowance for general assistance; providing for vendor payments; eliminating general assistance based on residence in a shelter facility; eliminating the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 245.0313; 256.73, Subdivision 2; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.07; 256D.09; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 62E.51 to 62E.55; 256D.02, Subdivisions 9, 10, and 13; 256D.05, Subdivision 3; and 256D.11.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 1 to 3, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1980, Section 62E.52, Subdivision 2, is amended to read:

Subd. 2. "Eligible person" means any person who is a resident of Minnesota and who, while a resident of Minnesota, has been found by the commissioner to have incurred an obligation to pay:

(1) qualified expenses for himself and any dependents in any 12 consecutive months exceeding:

(a) 40 30 percent of his household income up to \$15,000, plus 50 40 percent of his household income between \$15,000 and \$25,000, plus 60 50 percent of his household income in excess of \$25,000; or

(b) \$2,500, whichever is greater; or

(2) qualified nursing home expenses for himself and any dependents in any 12 consecutive months exceeding 20 percent of his household income.

The term does not include a person who has applied to the commissioner for payment of qualified expenses or qualified nursing home expenses under section 62E.53, subdivision 2, during more than three 12-month periods.

Sec. 2. Minnesota Statutes 1980, Section 62E.52, Subdivision 3, is amended to read:

Subd. 3. "Qualified expense" means any charge incurred ~~subsequent to July 1, 1977~~ within one year prior to the eligible person's initial application, for a health service which is included in the list of covered services described in section 62E.06, subdivision 1, and for which no third party is liable, *except that services of a nursing home, which includes both skilled nursing facilities and intermediate care facilities, for not more than 240 days in a year, are qualified expenses if the service would otherwise qualify as reimbursable ser-*

vices under medicare.

"Qualified expense" does not include a charge incurred by an individual who was a member of a health maintenance organization at the time the expense was incurred if that individual could have received the service at no cost through the health maintenance organization. If that individual could have received the service at reduced cost through the health maintenance organization, but elected instead to pay for the service elsewhere, "qualified expense" includes only the cost which would have been incurred through use of the health maintenance organization.

Sec. 3. Minnesota Statutes 1980, Section 62E.53, Subdivision 2, is amended to read:

Subd. 2. If the commissioner determines that an applicant is an eligible person, he shall pay

(1) 90 percent of all qualified expenses of the eligible person and his dependents in excess of:

(a) 40 30 percent of his household income under \$15,000, plus 50 40 percent of his household income between \$15,000 and \$25,000, plus 60 50 percent of his household income in excess of \$25,000; or

(b) \$2,500;

whichever is greater for the 12 month period in which the applicant becomes an eligible person and

(2) all qualified nursing home expenses of the eligible person and his dependents in excess of 20 percent of his household income. ~~Provided, however, that the payment of qualified nursing home expenses shall not be made until the end of the fiscal year. If the appropriation for the payment of qualified nursing home expenses is inadequate to pay all qualified nursing home expenses, the commissioner shall prorate the payments among all eligible persons in proportion to their share of the total of the qualified nursing home expenses of all eligible persons.~~

Sec. 4. Minnesota Statutes 1980, Section 62E.54, is amended by adding a subdivision to read:

Subd. 3. [NONTRANSFERABILITY OF FUNDS.] The commissioner shall not transfer funds which are appropriated for the payment of health services under the provisions of sections 62E.51 to 62E.55 to other programs of the department of public welfare."

Pages 3 and 4, delete section 4

Page 5, line 2, delete ". payment shall be made only for"

Page 5, lines 3 and 4, delete the new language

Page 5, lines 9 to 18, reinstate the stricken language and delete the new language

Page 5, line 19, delete the new language

Page 5, line 23, after "commissioner" insert "shall designate a formulary committee which"

Page 5, line 24, delete everything after "payment" and insert "shall not be

made."

Page 5, delete lines 25 and 26 and insert *"The formulary committee shall consist of seven members, four of whom shall be physicians who are not employed by or under contract with the department of public welfare and three of whom shall be pharmacists who are not employed by or under contract with the department of public welfare. Committee members shall serve two year terms and shall serve without compensation. Promulgation of the formulary shall be consistent with the requirements of section 15.0412, subdivision 5."*

Page 6, line 35, delete everything after "assistance"

Page 6, delete line 36 and insert *"shall be the lowest of (a) the 50th percentile of the usual and customary fees for that group of practitioners based upon the billings during the calendar year preceding the fiscal year in which the determination is made of the amount to be paid the individual practitioner for the billing; or (b) the actual charge billed for the service; or (c) the median of the charges billed by that practitioner for a given service, derived from claims during the calendar year preceding the fiscal year in which the determination is made of the amount to be paid the individual practitioner for the billing; or (d) the amount permitted under federal statute or regulation."*

Page 7, line 1, delete "year 1978 for" and insert "This applies to"

Page 8, line 15, before the semicolon, insert *"When one spouse resides, or will reside after applying for medical assistance, in a nursing home, or is receiving or will receive alternative care under section 256B.091, subdivision 8, the cash or liquid asset amount for two family members is \$10,000"*

Page 8, lines 26 to 29, reinstate the stricken language

Page 9, after line 27, insert:

"Sec. 10. Minnesota Statutes 1980, Section 256B.08, is amended to read:
256B.08 [APPLICATION.]

An applicant for medical assistance hereunder, or a person acting in his behalf, shall file his application with a county agency in such manner and form as shall be prescribed by the state agency. *When a married applicant resides in a nursing home or applies for medical assistance for nursing home services, the county agency shall consider an application on behalf of the applicant's spouse only upon specific request of the applicant or upon the spouse's separate filing of an application."*

Page 10, line 3, delete "temporarily"

Page 10, line 15, delete "due to documented"

Page 10, line 16, delete "injury, illness, or incapacity" and delete "temporarily"

Page 10, line 17, delete everything after "themselves"

Page 10, line 18, delete "temporarily meeting these criteria"

Page 11, lines 2 to 5, reinstate the stricken language

Page 11, line 6, reinstate the stricken "recipient."

Page 11, lines 13 to 15, delete the new language

Page 13, line 3, strike everything after "care"

Page 13, line 4, strike everything before the period

Page 13, line 4, after the period, insert *"At the option of the county board, reimbursement for services under this subdivision may be limited to designated medical care providers. In designating providers, counties shall consider alternatives designed to promote cost efficiency in the delivery of quality health care services."*

Page 14, line 6, delete *"life threatening"* and insert *"emergency"*

Page 14, line 6, after the period, insert *"In addition, payments of state aid shall be made for the costs of hospitalization, medications and physician services for persons who have been diagnosed as mentally ill and who are residents of a licensed or certified facility for purposes of health or rehabilitation."*

Page 15, line 6, after *"services,"* insert *"and"*

Page 15, line 12, strike the semicolon and delete *"and"* and insert a period

Page 15, line 13, strike *"(8)"*

Page 15, line 23, delete *"Make necessary"*

Page 15, delete lines 24 to 28

Page 15, line 31, reinstate the stricken language and delete *"The"*

Page 15, line 32, delete the new language

Page 15, line 34, delete *"are"* and insert *"is"*

Page 15, line 35, delete the first *"or"* and insert *"of"*

Page 16, line 1, reinstate the stricken semicolon

Page 16, line 2, reinstate the stricken *"provided that"*

Page 16, line 5, before the colon, insert *"a recipient who has received general assistance grants for three full months in any 12-month period is ineligible for general assistance upon a determination by the local agency that the recipient does not meet any of the criteria listed below"*

Page 16, lines 11 and 14, delete *"or"* and insert *"and"*

Page 16, line 19, strike the period and insert *"; and"*

Page 16, after line 19, insert:

"(d) A person who resides in a shelter facility described in subdivision 3; and

(e) A displaced homemaker who is or may be eligible for services, programs, or assistance under section 4.40. In determining eligibility of a displaced homemaker, income received as a stipend shall be disregarded as provided in section 4.40.

A person shall not be ineligible for general assistance under this subdivision due to inability to secure suitable employment because of a lack of language ability, education, previous employment experience, or vocational skills, if the person is enrolled in any vocational counseling, vocational rehabilitation, or

work training program assigned to the person by the local agency."

Page 18, line 33, after the period, insert "*For persons receiving general assistance pursuant to section 256D.05, subdivision 1, paragraph (c),*"

Page 18, lines 33 to 35, reinstate the stricken language

Page 19, line 4, delete "*fuel*"

Page 19, line 5, reinstate the stricken "*where the*"

Page 19, line 6, reinstate the stricken language

Page 19, line 11, strike "*an applicant or*" and insert "*a*"

Page 19, line 13, delete "*fuel*"

Page 19, line 14, strike "*applicant or*"

Page 19, line 15, delete "*Emergency general*"

Page 19, delete lines 16 to 18

Pages 19 to 21, delete sections 24 and 25

Page 22, line 35, delete "*life threatening*" and insert "*emergency*"

Page 23, line 1, delete everything after "*Sections*"

Page 23, line 2, delete "*62E.531; 62E.54; 62E.55;*"

Page 23, line 2, delete the second comma and insert "*and*" and delete "*and*
13"

Page 23, line 3, delete "*256D.05, Subdivision 3;*"

Page 23, after line 5, insert:

"Sec. 30. [REPORT, SUNSET PROVISION.]

The commissioner of public welfare shall report to the legislature concerning the effects of sections 1 to 29 no later than January 1, 1983. This act is repealed effective June 30, 1983."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 36 and insert:

"relating to public welfare; modifying the payment responsibility for costs of care for mentally retarded persons in state institutions; prorating the first month's grant; reducing the scope of services provided under the medical assistance program; limiting payments to vendors; changing medical assistance eligibility standards; eliminating certain income disregards; prohibiting automatic applications for nursing home residents' spouses; restricting eligibility for general assistance; redefining the term "*income*" for purposes of determining eligibility for general assistance; limiting general assistance medical care to emergency situations; eliminating free choice of general assistance medical care vendor; setting a limit on the personal needs allowance for general assistance; modifying the catastrophic health expense protection program; providing a penalty; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivision 2; 62E.54, by adding a subdivi-

sion; 245.0313; 256.76, Subdivision 1; 256B.02, Subdivision 8; 256B.03; 256B.06, Subdivision 1; 256B.08; 256D.01, Subdivision 1; 256D.02, Subdivisions 4 and 8; 256D.03, Subdivisions 2 and 3, and by adding a subdivision; 256D.04; 256D.05, Subdivisions 1, 2, and 4, and by adding a subdivision; 256D.06, Subdivisions 1, 2, and 3, and by adding a subdivision; 256D.14; and 261.23; repealing Minnesota Statutes 1980, Sections 256D.02, Subdivisions 9 and 10; and 256D.11."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 558: A bill for an act relating to the city of Robbinsdale; providing that certain tax increment backed bond issues shall be exempt from net debt limits.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1264: A bill for an act relating to taxation; correcting the formula for limiting the property tax credit for transmission lines; amending Minnesota Statutes 1980, Section 273.42, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 744: A bill for an act relating to natural resources; changing and clarifying administrative provisions regarding watershed districts; increasing per diem for district managers; stating procedures for adopting rules by managers; requiring revision of certain plans every ten years; allowing cash bonds; permitting use of a map to show an assessment area; clarifying emergency procedures; amending Minnesota Statutes 1980, Sections 105.71, Subdivision 1a, and by adding subdivisions; 106.271; 106.471, Subdivision 1; 112.35, Subdivision 19, and by adding a subdivision; 112.36; 112.37, Subdivision 1; 112.39, Subdivision 1; 112.42, Subdivisions 5 and 6; 112.43, Subdivisions 1, 3, and by adding a subdivision; 112.46; 112.47; 112.48, Subdivisions 1, 2, and 4; 112.49, Subdivisions 1 and 7; 112.53, Subdivision 1; 112.58; 112.61, Subdivision 3; 112.62, Subdivision 1; 112.64; 112.65, Subdivision 2; and 112.801, Subdivision 8.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 306: A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Reports the same back with the recommendation that the bill be amended as

follows:

Page 1, line 9, before "is" insert "*when not consistent with usually accepted business practice,*"

Page 1, lines 12 and 20, after "*compensation*" delete the comma and insert "*or*"

Page 1, line 12, after "*reward*" delete "*or*"

Page 1, line 13, delete "*gratuity*"

Page 1, line 13, delete the second comma

Page 1, delete line 14

Page 1, line 15, delete "*employer or principal and*"

Page 1, line 16, delete "*in relation to his employer's or principal's business*" and insert "*so as to injure, defraud, or adversely affect his employer or principal*"

Page 1, line 17, delete the second comma

Page 1, line 18, delete "*corporation or union*"

Page 1, line 20, delete "*or gratuity without the*"

Page 1, line 21, delete "*consent of his employer or principal upon*" and insert "*with*"

Page 1, line 22, delete "*in relation*" and insert "*so as to injure, defraud, or adversely affect his employer or principal*"

Page 1, line 23, delete "*to his employer's or principal's business*"

Page 2, lines 3, 6, and 9, after "*compensation*" delete the comma and insert "*or*"

Page 2, lines 3 and 6, delete "*or gratuity*"

Page 2, line 9, after "*reward*" delete "*or*"

Page 2, line 10, delete "*gratuity*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 789: A bill for an act relating to natural resources; increasing motor vehicle permit fees for state parks, monuments, recreation areas, and waysides; establishing a dedicated account; appropriating money; amending Minnesota Statutes 1980, Section 85.05, Subdivisions 1 and 2; proposing new law coded in Minnesota Statutes, Chapter 85.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 922: A bill for an act relating to state lands; providing for the

conveyance of certain land to the city of Fergus Falls.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "*Minnesota*," insert "*for the purpose of student housing*,"

Page 1, line 12, delete "*Mesabi*" and insert "*Fergus Falls*"

Page 1, line 12, after the period insert "*The tract shall not exceed three acres.*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 696, 937 and 1015 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
696	576
937	758
1015	1169

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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and that the above Senate Files be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which were referred

H. F. Nos. 569, 449 and 912 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
569	538
449	793
912	919

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 569 be amended as follows:

Page 1, lines 25 and 26, delete "*on the commissioner or employee*"

Page 1, line 26, after "*greater*" insert "*on the commissioner or employee*"

Page 1, line 27, after "*business*" insert "*classification*"

Page 2, lines 1 and 2, delete "*knowingly fails to submit a statement required by this subdivision or*" and after "*statement*" insert "*to the board of commissioners of an authority pursuant to this subdivision*"

Page 2, lines 10 to 12, delete "*and shall not be counted toward a quorum in any meeting of the authority considering such action or decision*"

Page 2, line 14, delete "*knowingly takes*" and insert "*is authorized to take*"

Page 2, lines 15 and 16, delete "*in which he has*" and insert "*shall not voluntarily have*"

Page 2, line 16, after "*interest*" insert "*in that sale, lease, or contract or personally benefit financially therefrom. A commissioner or employee of an authority who violates this subdivision*"

Page 2, delete lines 31 to 35

Page 2, line 36, delete "6" and insert "5"

And when so amended H. F. No. 569 will be identical to S. F.No. 538, and further recommends that H. F. No. 569 be given its second reading and substituted for S. F. No. 538, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 449 be amended as follows:

Page 1, lines 11 to 14, reinstate the stricken language

Page 1, line 14, strike "\$22,500" and insert "\$28,500"

Page 1, lines 15 to 26, reinstate the stricken language and delete the new language

Page 2, line 1, delete the new language

Page 2, line 2, reinstate the stricken "such"

Pages 2 and 3, delete all of section 2 and insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to courts; increasing the salary of court reporters; amending Minnesota Statutes 1980, Section 486.05, Subdivision 1."

And when so amended H. F. No. 449 will be identical to S. F.No. 793, and further recommends that H. F. No. 449 be given its second reading and substituted for S. F. No. 793, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 912 be amended as follows:

Page 60, after line 28, insert:

"Sec. 50. Laws 1980, Chapter 556, is reenacted. All acts authorized by and complying with Laws 1980, Chapter 556, are legal and valid.

Sec. 51. Minnesota Statutes 1980, Section 176.011, Subdivision 11a, is amended to read:

Subd. 11a. [FAMILY FARM.] "Family farm" means any farm operation which pays or is obligated to pay less than ~~\$8,000~~ \$6,000 in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year. For purposes of this subdivision, farm laborer does not include any spouse, parent or child, regardless of age, of a farmer employed by the farmer, or any executive officer of a family farm corporation as defined in section 500.24, subdivision 2, or any spouse, parent or child, regardless of age, of such an officer employed by that family farm corporation, or other farmers in the same community or members of their families exchanging work with the employer. Notwithstanding any law to the contrary, a farm laborer shall not be considered as an independent contractor for the purposes of this chapter; provided that a commercial baler or commercial thresherman shall be considered an independent contractor.

Sec. 52. Upon the day following final enactment section 50 is effective retroactively to April 20, 1980. Section 51 is effective the day following final enactment."

Page 60, line 29, delete "50" and insert "53"

Page 60, line 31, delete "51" and insert "54" and delete "50" and insert "53"

Page 60, line 33, delete "52" and insert "55"

Page 60, line 35, delete "53" and insert "56" and delete "52" and insert "55"

Renumber the sections in sequence

Page 81, after line 1, insert:

"Sec. 50 to 52. *Explanation.* In the engrossing and enrolling process the figure "\$8,000" was incorporated into an amendment to S.F. 1775 (which became Laws 1980, Chapter 556) instead of the figure "\$6,000" which was specified in the amendment passed by both houses. The act signed by the governor contained the erroneous \$8,000 figure. The reenactment removes any constitutional problem, and the proposed amendment to subdivision 11 is in accordance with the legislative amendment."

Renumber the remaining sections in the memorandum of explanation

Amend the title as follows:

Page 1, line 32, after "5;" insert "176.011, Subdivision 11a;"

Page 2, line 31, delete "Chapter 528" and insert "Chapters 528 and 556"

And when so amended H. F. No. 912 will be identical to S. F. No. 919, and further recommends that H. F. No. 912 be given its second reading and substituted for S. F. No. 919, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H. F. No. 1269 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1269	627

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1269 be amended as follows:

Page 2, line 18, delete "under" and insert "pursuant to"

Page 2; after line 23, insert:

"Sec. 3. Minnesota Statutes 1980, Section 116H.12, Subdivision 3a, is amended to read:

Subd. 3a. Beginning April 20, 1977, no person shall use a decorative gas lamp in Minnesota except as provided in ~~subdivision~~ subdivisions 3b and 3c.

Sec. 4. Minnesota Statutes 1980, Section 116H.12, is amended by adding a subdivision to read:

Subd. 3c. [STREET LIGHT EXEMPTION.] Gas lamps installed prior to April 20, 1977, by or at the request of a municipality, on a public street or right of way, may be used as street lighting.

Sec. 5. Minnesota Statutes 1980, Section 116H.129, Subdivision 4, is amended to read:

Subd. 4. [INSPECTIONS.] The energy agency shall conduct inspections on a random basis for compliance with the provisions of subdivision 3. The director may authorize a municipality, with its consent, to conduct the inspections within the municipality's jurisdiction. Any municipality which conducts an inspections program in conjunction with existing city inspection programs shall have authority under all subdivisions of section 116H.15 to enforce the provisions of subdivision 3; provided that 50 percent of the penalties to be paid to the state treasury for violation of subdivision 3 shall be paid to the municipality."

Page 4, line 3, delete "4" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "regulations;" insert "providing for certain inspections;"

Page 1, line 5, delete "center"

Page 1, line 6, after "116H.08;" insert "116H.12, Subdivision 3a, and by adding a subdivision; 116H.129, Subdivision 4;"

And when so amended H. F. No. 1269 will be identical to S. F. No. 627, and further recommends that H. F. No. 1269 be given its second reading and substituted for S. F. No. 627, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 558, 1264, 744 and 922 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 306, 696, 937, 1015, 569, 449, 912 and 1269 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Nichols be stricken as chief author and Mr. Peterson, C.C. be added as chief author to S. F. No. 359. The motion prevailed.

Mr. Peterson, C.C. moved that the name of Mr. Langseth be added as co-author to S. F. No. 771. The motion prevailed.

Mr. Davies moved that his name be stricken as chief author and Mr. Dieterich be added as chief author to S. F. No. 70. The motion prevailed.

Mr. Hanson moved that the name of Ms. Berglin be added as co-author to S. F. No. 625. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dahl be added as co-author to S. F. No. 748. The motion prevailed.

Mr. Merriam moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 1204. The motion prevailed.

Mr. Johnson moved that S. F. No. 1079 be stricken from General Orders and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Hughes moved that S. F. No. 861 be withdrawn from the Committee on Finance, given a second reading and placed at the bottom of General Orders. The motion prevailed.

S. F. No. 861 was read the second time.

RECESS

Mr. Moe, R. D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 121: Messrs. Wegener, Pehler and Frederickson.

H. F. No. 339: Messrs. Dicklich, Johnson and Solon.

S. F. No. 209: Messrs. Nelson, Keefe and Peterson, C.C.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED**CONFIRMATION**

Mr. Johnson moved that the report from the Committee on Taxes and Tax Laws, reported April 15, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Johnson moved that the foregoing report be now adopted. The motion prevailed.

Mr. Johnson moved that in accordance with the report from the Committee on Taxes and Tax Laws, reported April 15, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

TAX COURT

Carl A. Jensen, 209 First Avenue South, Sleepy Eye, Brown County, effective February 2, 1981, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

CALENDAR

H. F. No. 332: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 80C; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Pehler	Sieloff
Bang	Dicklich	Kronebusch	Penny	Sikorski
Belanger	Dieterich	Langseth	Peterson, D.L.	Spear
Benson	Engler	Lantry	Peterson, R.W.	Stern
Berg	Frank	Lindgren	Petty	Stokowski
Berglin	Frederick	Luther	Pillsbury	Stumpf
Bernhagen	Frederickson	Menning	Purfeerst	Taylor
Bertram	Hanson	Merriam	Ramstad	Tennessee
Brataas	Hughes	Moe, D.M.	Renneke	Ulland
Chmielewski	Humphrey	Moe, R.D.	Rued	Vega
Dahl	Johnson	Nelson	Schmitz	Waldorf
Davies	Knutson	Olthoff	Setzepfandt	Wegener

So the bill passed and its title was agreed to.

H. F. No. 241: A bill for an act relating to local government; removing a

limit on advertising budgets of certain statutory cities; amending Minnesota Statutes 1980, Section 465.56, Subdivision 1; repealing Minnesota Statutes 1980, Section 465.56, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, C. C.	Sieloff
Bang	Frank	Lantry	Peterson, D. L.	Sikorski
Belanger	Frederick	Lindgren	Peterson, R. W.	Solon
Benson	Frederickson	Luther	Petty	Spear
Berg	Hanson	Merriam	Pillsbury	Stern
Bernhagen	Hughes	Moe, D. M.	Purfeerst	Stokowski
Bertram	Humphrey	Moe, R. D.	Ramstad	Stumpf
Brataas	Johnson	Nelson	Renneke	Taylor
Chmielewski	Knoll	Olhoft	Rued	Ulland
Dahl	Knutson	Pehler	Schmitz	Vega
Davis	Kronebusch	Penny	Setzepfandt	Wegener

Those who voted in the negative were:

Berglin	Dicklich	Kroening	Tennessee	Willet
Davies	Dieterich	Menning	Waldorf	

So the bill passed and its title was agreed to.

S. F. No. 674: A resolution memorializing the President and Congress to seek a settlement of the White Earth Indian Reservation controversy.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D. L.	Spear
Bang	Dieterich	Langseth	Peterson, R. W.	Stern
Belanger	Engler	Lantry	Petty	Stokowski
Benson	Frank	Lindgren	Pillsbury	Stumpf
Berg	Frederick	Luther	Purfeerst	Taylor
Berglin	Frederickson	Menning	Ramstad	Tennessee
Bernhagen	Hanson	Merriam	Renneke	Ulland
Bertram	Hughes	Moe, R. D.	Rued	Vega
Brataas	Humphrey	Nelson	Schmitz	Waldorf
Chmielewski	Johnson	Olhoft	Setzepfandt	Wegener
Dahl	Knoll	Pehler	Sieloff	Willet
Davies	Knutson	Penny	Sikorski	
Davis	Kroening	Peterson, C. C.	Solon	

So the resolution passed and its title was agreed to.

S. F. No. 411: A bill for an act relating to game and fish; limiting eligibility for antlerless deer permits in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C.C.	Solon
Bang	Dieterich	Langseth	Peterson, D.L.	Spear
Belanger	Engler	Lantry	Peterson, R.W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessen
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Willet
Davies	Knutson	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 254: A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Pillsbury	Tennessen
Bang	Hughes	Merriam	Ramstad	Ulland
Belanger	Humphrey	Moe, D. M.	Schmitz	Vega
Berglin	Johnson	Moe, R. D.	Sieloff	Waldorf
Brataas	Knoll	Nelson	Sikorski	Wegener
Dahl	Knutson	Pehler	Solon	Willet
Davies	Kroening	Penny	Spear	
Dicklich	Langseth	Peterson, C.C.	Stern	
Dieterich	Lantry	Peterson, R.W.	Stokowski	
Frank	Lindgren	Petty	Stumpf	

Those who voted in the negative were:

Benson	Davis	Kronebusch	Purfeerst	Taylor
Berg	Engler	Menning	Renneke	
Bernhagen	Frederick	Olhoft	Rued	
Bertram	Frederickson	Peterson, D.L.	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 278: A bill for an act relating to transportation; extending the life of the joint commuter rail study commission and the deadline for its report; amending Laws 1980, Chapter 607, Article XIII, Section 2, Subdivisions 3 and 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knoll	Nelson	Schmitz
Bang	Dicklich	Kroening	Olhoft	Sikorski
Belanger	Dieterich	Kronebusch	Pehler	Solon
Benson	Engler	Langseth	Penny	Spear
Berglin	Frank	Lantry	Peterson, C. C.	Stern
Bernhagen	Frederick	Lindgren	Peterson, R. W.	Stokowski
Bertram	Frederickson	Luther	Petty	Stumpf
Brataas	Hanson	Menning	Purfeerst	Taylor
Chmielewski	Hughes	Merriam	Ramstad	Vega
Dahl	Humphrey	Moe, D. M.	Renneke	Wegener
Davies	Johnson	Moe, R. D.	Rued	Willet

Those who voted in the negative were:

Berg	Peterson, D. L.	Setzepfandt	Tennessee	Waldorf
Knutson	Pillsbury	Sieloff	Ulland	

So the bill passed and its title was agreed to.

S. F. No. 835: A bill for an act relating to transportation; classifying the engineers' estimates for all state transportation construction projects as non-public data; adding a new route to the trunk highway system in substitution of an existing route; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the temporary transfer of money from certain public funds under certain conditions to certain agency accounts and providing for repayment; increasing the dollar limits for certain contracts and agreements negotiated by the commissioner; defining motor carrier and exempt carrier; granting enforcement powers to hazardous material specialists; transferring the licensing and regulatory provisions for building movers to the transportation regulation board; requiring excess revenue from an airport to be applied to the improvement of the airport or other air navigation facility; increasing the dollar limit for development of landing strips; providing fees for hot air balloons and certain non-resident aircraft; amending Minnesota Statutes 1980, Sections 161.16, Subdivision 4; 161.32, Subdivision 2; 161.36, Subdivision 5; 161.46, Subdivision 3; 221.011, Subdivisions 15 and 22; 221.031, Subdivision 2; 221.221; 221.261; 221.81; 360.037, Subdivision 3; 360.305, Subdivision 4; and 360.55, by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 161.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C. C.	Solon
Bang	Dieterich	Langseth	Peterson, D. L.	Spear
Belanger	Engler	Lantry	Peterson, R. W.	Stern
Benson	Frank	Lindgren	Petty	Stokowski
Berg	Frederick	Luther	Pillsbury	Stumpf
Berglin	Frederickson	Menning	Purfeerst	Taylor
Bernhagen	Hanson	Merriam	Ramstad	Tennessee
Bertram	Hughes	Moe, D. M.	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 650: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lindgren	Peterson, C.C.	Stokowski
Belanger	Frederickson	Luther	Peterson, R.W.	Stumpf
Berglin	Hanson	Menning	Petty	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessee
Chmielewski	Humphrey	Moe, D. M.	Schmitz	Ulland
Dahl	Johnson	Moe, R. D.	Setzepfandt	Vega
Davies	Knoll	Nelson	Sikorski	Waldorf
Davis	Kroening	Olhoft	Solon	Wegener
Dicklich	Langseth	Pehler	Spear	Willett
Dieterich	Lantry	Penny	Stern	

Those who voted in the negative were:

Bang	Bernhagen	Frederick	Peterson, D.L.	Renneke
Benson	Brataas	Knutson	Pillsbury	Rued
Berg	Engler	Kronebusch	Ramstad	Sieloff

So the bill passed and its title was agreed to.

S. F. No. 817: A bill for an act relating to retirement; removing the director from the state board investment advisory council; changing the investment authority of the fund; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2; and 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, C.C.	Spear
Bang	Frank	Lessard	Peterson, D.L.	Stern
Belanger	Frederickson	Lindgren	Peterson, R.W.	Stokowski
Berglin	Hanson	Luther	Petty	Stumpf
Bertram	Hughes	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Chmielewski	Johnson	Moe, D. M.	Rued	Vega
Dahl	Knoll	Moe, R. D.	Schmitz	Waldorf
Davies	Kroening	Nelson	Sieloff	Wegener
Davis	Kronebusch	Olhoft	Sikorski	Willett
Dicklich	Langseth	Penny	Solon	

Those who voted in the negative were:

Benson	Bernhagen	Knutson	Renneke	Tennessen
Berg	Engler	Pehler	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 805: A bill for an act relating to state government; authorizing a new account in the Minnesota supplemental investment fund; modifying the post-retirement adjustment; authorizing the state board of investment to invest in commingled funds and limited partnerships; amending Minnesota Statutes 1980, Sections 11A.17; 11A.18, Subdivision 9; 11A.24, Subdivisions 3, 4, 5, and by adding a subdivision; 69.77, Subdivision 2; and 69.775.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Dicklich	Langseth	Peterson, C. C.	Sikorski
Belanger	Dieterich	Lantry	Peterson, D. L.	Solon
Benson	Engler	Lessard	Peterson, R. W.	Spear
Berg	Frank	Lindgren	Petty	Stokowski
Berglin	Frederickson	Luther	Pillsbury	Stumpf
Bernhagen	Hanson	Menning	Purfeerst	Taylor
Bertram	Hughes	Moe, D. M.	Ramstad	Tennessen
Brataas	Humphrey	Moe, R. D.	Renneke	Ulland
Chmielewski	Johnson	Nelson	Rued	Vega
Dahl	Knoll	Olhoft	Schmitz	Waldorf
Davies	Kroening	Pehler	Setzepfandt	Wegener
Davis	Kronebusch	Penny	Sieloff	Willet

Messrs. Frederick and Knutson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 664: A bill for an act relating to water resources; altering certain provisions concerning the regulation of shoreland use and development in municipalities; amending Minnesota Statutes 1980, Section 105.485, Subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Hughes	Luther	Peterson, D. L.	Stumpf
Berglin	Humphrey	Merriam	Peterson, R. W.	Tennessen
Dahl	Johnson	Moe, D. M.	Petty	Vega
Davies	Knoll	Moe, R. D.	Sieloff	Waldorf
Dieterich	Kroening	Nelson	Sikorski	Wegener
Frank	Langseth	Olhoft	Spear	Willet
Frederick	Lantry	Pehler	Stern	
Hanson	Lindgren	Peterson, C. C.	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Engler	Menning	Rued
Bang	Brataas	Frederickson	Penny	Schmitz
Benson	Chmielewski	Knutson	Purfeerst	Setzepfandt
Berg	Davis	Kronebusch	Ramstad	Taylor
Bernhagen	Dicklich	Lessard	Renneke	Ulland

So the bill passed and its title was agreed to.

S. F. No. 818: A bill for an act relating to game and fish; increasing the amount set aside from any increased deer license fees for deer habitat improvement; restricting the taking of bear to adult bear; amending Minnesota Statutes 1980, Sections 97.49, Subdivision 1a; and 100.27, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Sikorski
Bang	Dieterich	Langseth	Peterson, C. C.	Spear
Belanger	Engler	Lantry	Peterson, D. L.	Stern
Benson	Frank	Lessard	Peterson, R. W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessee
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Willet
Davies	Knutson	Olhoft	Setzepfandt	
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 525: A bill for an act relating to advertising devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1980, Section 173.17; proposing new law coded in Minnesota Statutes, Chapter 173.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 19, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Lantry	Pillsbury	Stern
Belanger	Frederickson	Lessard	Purfeerst	Stokowski
Benson	Hanson	Menning	Ramstad	Taylor
Berg	Hughes	Moe, R. D.	Renneke	Ulland
Bernhagen	Humphrey	Nelson	Rued	Vega
Bertram	Knoll	Olhoft	Schmitz	Waldorf
Brataas	Kroening	Penny	Setzepfandt	Wegener
Chmielewski	Kronebusch	Peterson, C. C.	Sieloff	Willet
Engler	Langseth	Peterson, D. L.	Solon	

Those who voted in the negative were:

Berglin	Dicklich	Lindgren	Pehler	Spear
Dahl	Dieterich	Luther	Peterson, R. W.	Stumpf
Davies	Frank	Merriam	Petty	Tennessee
Davis	Johnson	Moe, D. M.	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 625: A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship;

changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson, C. C.	Spear
Belanger	Engler	Lantry	Peterson, D. L.	Stern
Benson	Frank	Lessard	Peterson, R. W.	Stokowski
Berg	Frederick	Lindgren	Petty	Stumpf
Berglin	Frederickson	Luther	Pillsbury	Taylor
Bernhagen	Hanson	Menning	Purfeerst	Tennessen
Bertram	Hughes	Merriam	Ramstad	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Knoll	Nelson	Schmitz	Wegener
Davies	Knutson	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sikorski	

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 915: A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Peterson, D. L.	Spear
Bang	Dieterich	Lantry	Peterson, R. W.	Stern
Belanger	Engler	Lessard	Petty	Stokowski
Benson	Frank	Lindgren	Pillsbury	Stumpf
Berg	Frederickson	Luther	Purfeerst	Taylor
Berglin	Hanson	Menning	Ramstad	Tennessen
Bernhagen	Hughes	Merriam	Renneke	Ulland
Bertram	Humphrey	Moe, D. M.	Rued	Vega
Brataas	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Knoll	Nelson	Setzepfandt	Wegener
Dahl	Knutson	Olhoft	Sieloff	Willet
Davies	Kroening	Pehler	Sikorski	
Davis	Kronebusch	Peterson, C. C.	Solon	

Mr. Frederick voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 916: A bill for an act relating to local government; fixing dollar limitations for bidding procedures; amending Minnesota Statutes 1980, Sections 160.17, Subdivision 2; 365.37; 375.21, Subdivision 1; 412.311; and 429.041, Subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Knutson	Moe, R. D.	Petty	Schmitz
Davies	Kronebusch	Nelson	Pillsbury	Solon
Engler	Langseth	Penny	Purfeerst	Stern
Frederickson	Lantry	Peterson, C. C.	Ramstad	Tennessen
Hanson	Lessard	Peterson, D. L.	Renneke	Ulland
Humphrey	Moe, D. M.	Peterson, R. W.	Rued	Waldorf

Those who voted in the negative were:

Ashbach	Brataas	Frederick	Menning	Spear
Bang	Chmielewski	Hughes	Merriam	Stokowski
Benson	Dahl	Johnson	Olhoft	Stumpf
Berg	Davis	Knoll	Pehler	Taylor
Berglin	Dicklich	Kroening	Setzepfandt	Vega
Bernhagen	Dieterich	Lindgren	Sieloff	Wegener
Bertram	Frank	Luther	Sikorski	Willet

So the bill failed to pass.

S. F. No. 708: A bill for an act relating to public employees; excluding the executive secretaries of certain state boards from bargaining units; amending Minnesota Statutes 1980, Section 179.74, Subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, C. C.	Solon
Bang	Dieterich	Langseth	Peterson, D. L.	Spear
Belanger	Engler	Lantry	Peterson, R. W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, R. D.	Rued	Vega
Chmielewski	Johnson	Nelson	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 452: A bill for an act relating to the state board of investment; establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

Berglin	Humphrey	Menning	Peterson, R. W.	Stumpf
Chmielewski	Johnson	Merriam	Petty	Vega
Dahl	Knoll	Moe, D. M.	Purfeerst	Wegener
Davis	Kroening	Moe, R. D.	Setzepfandt	Willet
Dicklich	Langseth	Nelson	Sikorski	
Frank	Lantry	Pehler	Solon	
Hanson	Lessard	Penny	Spear	
Hughes	Luther	Peterson, C. C.	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Frederickson	Pillsbury	Stern
Bang	Brataas	Knutson	Ramstad	Taylor
Belanger	Davies	Kronebusch	Renneke	Tennessee
Benson	Dieterich	Lindgren	Rued	Ulland
Berg	Engler	Olhoft	Schmitz	Waldorf
Bernhagen	Frederick	Peterson, D.L.	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 760: A bill for an act relating to occupational and professional licensing; removing the consecutive term restriction from the board of nursing; removing delinquent and non-practicing statuses; providing for nursing permits; repealing outdated statutes; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.231, Subdivisions 1, 4, 5, and 6; 148.271; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lessard	Peterson, R. W.	Stern
Bang	Engler	Lindgren	Petty	Stokowski
Belanger	Frank	Luther	Pillsbury	Stumpf
Benson	Frederickson	Menning	Purfeerst	Taylor
Berg	Hanson	Merriam	Ramstad	Tennessee
Berglin	Hughes	Moe, D. M.	Renneke	Ulland
Bernhagen	Humphrey	Moe, R. D.	Rued	Vega
Bertram	Johnson	Nelson	Schmitz	Waldorf
Chmielewski	Knoll	Olhoft	Setzepfandt	Wegener
Dahl	Kroening	Pehler	Sieloff	Willet
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson, C. C.	Solon	
Dicklich	Lantry	Peterson, D. L.	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1058: A bill for an act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Minnesota Statutes 1980, Sections 207.09, Subdivision 2; 207.11, Subdivisions 1 and 5; and 207.30, Subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Humphrey	Menning	Peterson, R. W.
Bang	Davies	Johnson	Merriam	Petty
Belanger	Davis	Knoll	Moe, D. M.	Pillsbury
Benson	Dicklich	Kroening	Moe, R. D.	Purfeerst
Berg	Engler	Kronebusch	Nelson	Ramstad
Berglin	Frank	Langseth	Olhoft	Renneke
Bernhagen	Frederick	Lantry	Pehler	Rued
Bertram	Frederickson	Lessard	Penny	Schmitz
Brataas	Hanson	Lindgren	Peterson, C. C.	Setzepfandt
Chmielewski	Hughes	Luther	Peterson, D. L.	Sieloff

Sikorski	Stern	Taylor	Vega	Willet
Solon	Stokowski	Tennessee	Waldorf	
Spear	Stumpf	Ulland	Wegener	

So the bill passed and its title was agreed to.

S. F. No. 886: A bill for an act relating to health; prohibiting disciplinary action against a physician who administers dimethyl sulfoxide under certain conditions; regulating the sale of dimethyl sulfoxide; proposing new law coded in Minnesota Statutes, Chapters 147 and 151.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lantry	Peterson, D. L.	Spear
Bang	Dieterich	Lessard	Peterson, R. W.	Stern
Belanger	Engler	Lindgren	Petty	Stokowski
Benson	Frank	Luther	Pillsbury	Stumpf
Berg	Frederickson	Menning	Purfeerst	Taylor
Berglin	Hanson	Merriam	Ramstad	Ulland
Bernhagen	Hughes	Moe, D. M.	Renneke	Vega
Bertram	Humphrey	Moe, R. D.	Rued	Waldorf
Brataas	Johnson	Nelson	Schmitz	Wegener
Chmielewski	Knoll	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sieloff	
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson, C. C.	Solon	

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Moe, D. M. moved that the vote whereby S. F. No. 817 was passed by the Senate on April 20, 1981, be now reconsidered. The motion prevailed.

S. F. No. 817: A bill for an act relating to retirement; removing the director from the state board investment advisory council; changing the investment authority of the fund; the Minneapolis employees retirement fund; establishing a new retirement benefit fund therein; transferring assets from the Minnesota post-retirement investment fund; amending Minnesota Statutes 1980, Sections 11A.08, Subdivision 1; 422A.05, Subdivision 2c; and 422A.06, Subdivisions 1, 3, 4, 5, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 422A.05, Subdivision 3.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Menning	Pillsbury	Stumpf
Belanger	Hughes	Merriam	Purfeerst	Taylor
Berglin	Humphrey	Moe, R. D.	Ramstad	Tennessee
Brataas	Johnson	Nelson	Schmitz	Ulland
Davies	Knoll	Olhoft	Sieloff	Vega
Davis	Kroening	Penny	Sikorski	Waldorf
Dicklich	Langseth	Peterson, C. C.	Solon	Wegener
Dieterich	Lantry	Peterson, D. L.	Spear	Willet
Frank	Lindgren	Peterson, R. W.	Stern	
Frederickson	Luther	Petty	Stokowski	

Those who voted in the negative were:

Benson	Bertram	Engler	Moe, D. M.	Rued
Berg	Chmielewski	Kronebusch	Pehler	Setzepfandt
Bernhagen	Dahl	Lessard	Renneke	

So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Tennesen moved that the vote whereby H. F. No. 332 was passed by the Senate on April 20, 1981, be now reconsidered. The motion prevailed.

With the unanimous consent of the Senate, Mr. Tennesen moved that the amendment made to H. F. No. 332 by the Committee on Rules and Administration in the report adopted April 16, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 332: A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; removing motor vehicle franchises from the general statutory provisions regarding franchises; requiring motor fuel franchises to extend to and bind the successors of both parties; prescribing penalties; providing remedies; amending Minnesota Statutes 1980, Section 80C.01, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 80C; proposing new law coded as Minnesota Statutes, Chapter 80E; repealing Minnesota Statutes 1980, Sections 168.27, Subdivision 21; and 325D.17 to 325D.29.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Lessard	Peterson, R. W.	Stern
Bang	Dieterich	Lindgren	Petty	Stokowski
Belanger	Engler	Luther	Pillsbury	Stumpf
Benson	Frank	Menning	Purfeerst	Taylor
Berg	Frederickson	Merriam	Ramstad	Tennesen
Berglin	Hanson	Moe, D. M.	Renneke	Ulland
Bernhagen	Hughes	Moe, R. D.	Rued	Vega
Bertram	Humphrey	Nelson	Schmitz	Waldorf
Brataas	Johnson	Olthoff	Setzepfandt	Wegener
Chmielewski	Kroening	Pehler	Sieloff	Willet
Dahl	Kronebusch	Penny	Sikorski	
Davies	Langseth	Peterson, C. C.	Solon	
Davis	Lantry	Peterson, D. L.	Spear	

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 359 a Special Order to be heard immediately.

S. F. No. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring com-

pensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.101, by adding a subdivision; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by

adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapter 176; repealing Minnesota Statutes 1980, Sections 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting Laws 1980, Chapter 556, Section 12.

Mr. Peterson, C. C. moved to amend S. F. 359 as follows:

Page 8, after line 32, insert:

"Sec. 12. Minnesota Statutes 1980, Section 79.071, Subdivision 1, is amended to read:

Subdivision 1. The commissioner shall adopt a schedule of workers' compensation insurance rates for use in this state for each classification under which business is written *until January 1, 1986*. The schedule of rates shall not be excessive, inadequate, or unfairly discriminatory. In adopting a schedule of rates, the commissioner may act on the written petition of the association or any other interested party requesting that a hearing be held for modification of the schedule of rates. The commissioner may include the expense of a reasonable charge for the services of an agent of record, for the service of rejected risks as set forth in sections 79.24 to 79.27."

Page 17, delete section 18

Page 32, delete section 36

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 34, delete "175.101, by adding a subdivision;"

Page 2, line 58, delete "Chapter" and insert "Chapters 79 and"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach imposed a Call of the Senate and requested that a record be made of those present. The following Senators answered to their names:

Ashbach	Dieterich	Langseth	Penny	Solon
Bang	Engler	Lantry	Peterson, C.C.	Stern
Belanger	Frank	Lessard	Peterson, D.L.	Stokowski
Benson	Frederick	Lindgren	Peterson, R.W.	Stumpf
Berg	Frederickson	Luther	Petty	Taylor
Berglin	Hanson	Menning	Purfeerst	Tennessee
Bernhagen	Hughes	Merriam	Ramstad	Ulland
Bertram	Humphrey	Moe, D. M.	Renneke	Vega
Brataas	Johnson	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Knoll	Nelson	Setzepfandt	Wegener
Davies	Kroening	Olhoft	Sieloff	Willet
Davis	Kronebusch	Pehler	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 57, line 11, delete everything after "who" and insert "*is in need of rehabilitation assistance to become self-supporting. A spouse who is provided rehabilitation services under this subdivision is not entitled to compensation under section 176.102.*"

Page 57, delete lines 12 to 32

Page 75, line 25, delete "make" and insert "pay" and after "disability" insert "*or wage replacement benefits due under the insurance*"

Page 75, delete line 26

Page 75, line 27, delete everything before the period

Page 81, strike line 32

Page 81, line 33, strike "dependent,"

Page 82, line 1, after "may" insert "*, when requested by an employer or an employee or a dependent,*"

Page 99, lines 17 and 19, delete "*hearing examiners*" and insert "*administrative hearings*"

Page 99, line 32, delete "8" and insert "13"

Page 100, line 26, delete "*coordinating*" and insert "*advisory*"

Page 100, line 27, delete "*sections 14 and 15*" and insert "*this subdivision*" and before "*The*" insert "*The legislative advisory commission shall implement measures to improve the record-keeping and information systems procedures of the department of labor and industry. Expenditures for any computer facilities shall not be subject to the requirements of sections 16.90 to 16.965, with the exception of section 16.95 which shall apply. The installation of any computer facilities and their operation shall be completed by October 1, 1981. Outside consultants may be retained by the legislative advisory commission to assist in the implementation of this section.*"

Correct internal references

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. then moved to amend S. F. No. 359 as follows:

Page 66, line 15, strike "labor and industry" and insert "*insurance*" and reinstate the stricken language

Page 66, line 16, reinstate the stricken language and after "whether" insert "*or not*"

Page 66, lines 17 to 20, reinstate the stricken language

Page 66, line 21, reinstate the stricken "groups" and delete the new language

Page 66, line 22, delete everything before the period and before "If" insert "*The procedures established by the commissioner of insurance shall limit the charges allowable for medical, chiropractic, podiatric, surgical and hospital treatment or services, as defined and compensable under section 176.135, to the 85th percentile of usual and customary fees or charges based upon billings for each class of health care provider during all of the calendar year preceding the year in which the determination is made of the amount to be paid the health care provider for the billing.*"

Page 67, after line 1, insert:

"The commissioner of insurance shall adopt temporary rules in order to implement the provisions of this subdivision. Notwithstanding the provisions of section 15.0412, subdivision 4, and any amendments, the temporary rules adopted by the commissioner of insurance pursuant to this subdivision may be extended for an additional 180 days if the procedures for adoption of a rule pursuant to section 15.0412, subdivisions 4 to 4g, or 4h, and other provisions of the administrative procedure act related to final agency action and rule adoption have not been concluded."

Mr. Vega moved to amend the foregoing Peterson, C. C. amendment to S. F. No. 359, adopted by the Senate April 20, 1981, as follows:

Page 1, line 14, delete "85th" and insert "75th"

The question was taken on the adoption of the Vega amendment to the foregoing Peterson, C. C. amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Dahl	Johnson	Nelson	Solon	Wegener
Dicklich	Menning	Penny	Spear	Willet
Frank	Merriam	Petty	Stokowski	
Hanson	Moe, D. M.	Purfeerst	Stumpf	
Humphrey	Moe, R. D.	Sikorski	Vega	

Those who voted in the negative were:

Ashbach	Chmielewski	Kroening	Peterson, C. C.	Sieloff
Bang	Davies	Kronebusch	Peterson, D. L.	Stern
Belanger	Davis	Langseth	Peterson, R. W.	Taylor
Benson	Engler	Lantry	Pillsbury	Tennessen
Berg	Frederick	Lessard	Ramstad	Ulland
Berglin	Frederickson	Lindgren	Renneke	Waldorf
Bernhagen	Hughes	Luther	Rued	
Bertram	Knoll	Olhoft	Schmitz	
Brataas	Knutson	Pehler	Setzepfandt	

The motion did not prevail. So the amendment to the Peterson, C. C. amendment was not adopted.

The question recurred on the Peterson, C. C. amendment.

The roll was called, and there were yeas 40 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Lantry	Penny	Renneke
Bang	Engler	Lessard	Peterson, C. C.	Rued
Belanger	Frederick	Lindgren	Peterson, D. L.	Schmitz
Benson	Frederickson	Luther	Peterson, R. W.	Setzepfandt
Berg	Hughes	Menning	Petty	Solon
Bernhagen	Knoll	Moe, R. D.	Pillsbury	Stern
Bertram	Knutson	Nelson	Purfeerst	Taylor
Brataas	Kronebusch	Olhoft	Ramstad	Ulland

Those who voted in the negative were:

Berglin	Dieterich	Kroening	Sikorski	Vega
Chmielewski	Frank	Langseth	Spear	Waldorf
Dahl	Hanson	Merriam	Stokowski	Wegener
Davis	Humphrey	Moe, D. M.	Stumpf	Willet
Dicklich	Johnson	Pehler	Tennessen	

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 99, line 36, delete "20" and insert "20.9"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S. F. No. 359 as follows:

Page 100, delete section 141

Renumber the sections in sequence

Correct internal references

Mr. Johnson requested division of the amendment as follows:

First portion:

Page 100, section 141, delete "*The salary of the commissioner of insurance is increased to \$40,500.*"

Second portion:

Page 100, section 141, delete "*The salary of the chief hearing examiner is increased to \$44,000.*"

The question was taken on the adoption of the first portion of the Berg amendment.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Knoll	Olhoft	Sikorski
Bang	Davis	Knutson	Pehler	Solon
Belanger	Dicklich	Kroening	Peterson, D.L.	Stokowski
Benson	Dieterich	Kronebusch	Ramstad	Stumpf
Berg	Engler	Langseth	Renneke	Taylor
Berglin	Frank	Lantry	Rued	Ulland
Bernhagen	Frederick	Lindgren	Schmitz	Vega
Bertram	Frederickson	Menning	Setzepfandt	Waldorf
Brataas	Johnson	Moe, D. M.	Sieloff	Willet

Those who voted in the negative were:

Dahl	Humphrey	Moe, R. D.	Peterson, R.W.	Stern
Davies	Lessard	Nelson	Petty	Tennessee
Hanson	Luther	Penny	Pillsbury	Wegener
Hughes	Merriam	Peterson, C.C.	Spear	

The motion prevailed. So the first portion of the amendment was adopted.

The question was taken on the adoption of the second portion of the Berg amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Frederick	Olhoft	Rued
Bang	Brataas	Frederickson	Pehler	Setzepfandt
Belanger	Davis	Knutson	Peterson, D.L.	Sieloff
Benson	Dicklich	Kronebusch	Purfeerst	Taylor
Berg	Engler	Lindgren	Ramstad	Ulland
Bernhagen	Frank	Menning	Renneke	

Those who voted in the negative were:

Berglin	Johnson	Moe, D. M.	Schmitz	Vega
Chmielewski	Knoll	Moe, R. D.	Sikorski	Waldorf
Dahl	Kroening	Nelson	Solon	Wegener
Davies	Langseth	Penny	Spear	Willet
Dieterich	Lantry	Peterson, C. C.	Stern	
Hanson	Lessard	Peterson, R. W.	Stokowski	
Hughes	Luther	Petty	Stumpf	
Humphrey	Merriam	Pillsbury	Tennessee	

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Taylor moved to amend S. F. No. 359, as follows:

Page 57, after line 2, insert:

"Sec. 73. Minnesota Statutes 1980, Section 176.101, is amended by adding a subdivision to read:

Subd. 8. [VIOLATION OF SAFETY PROVISIONS; PENALTY.] Where injury is caused by the failure of the employer to comply with any statute or any lawful order of the department, compensation and death benefits as provided in this chapter shall be increased ten percent but not more than a total increase of \$7,500. Failure of an employer reasonably to enforce compliance by employees with such statute or order of the department shall constitute failure by the employer to comply with such statute or order.

Sec. 74. Minnesota Statutes 1980, Section 176.101, is amended by adding a subdivision to read:

Subd. 9. [DECREASED COMPENSATION.] Where injury is caused by the failure of the employee to use safety devices where provided in accordance with any statute or lawful order of the department and adequately maintained, and their use is reasonably enforced by the employer, or where injury results from the employee's failure to obey any reasonable rule adopted and reasonably enforced by the employer for the safety of the employee and of which the employee has notice, or where injury results from the intoxication of the employee, the compensation and death benefit provided herein shall be reduced ten percent but the total reduction shall not exceed \$7,500."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 35, after the semicolon, insert "encouraging compliance with safety provisions;"

Page 2, line 40, after "3" insert ", and by adding subdivisions"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Frederickson	Pillsbury	Taylor
Bang	Bertram	Knutson	Ramstad	Ulland
Belanger	Brataas	Kronebusch	Renneke	
Benson	Engler	Lindgren	Rued	
Berg	Frederick	Peterson, D. E.	Sieloff	

Those who voted in the negative were:

Berglin	Hanson	Lessard	Pehler	Stern
Chmielewski	Hughes	Luther	Penny	Stokowski
Dahl	Humphrey	Menning	Peterson, C. C.	Stumpf
Davies	Johnson	Merriam	Peterson, R. W.	Tennessee
Davis	Knoll	Moe, D. M.	Petty	Vega
Dicklich	Kroening	Moe, R. D.	Purfeerst	Waldorf
Dieterich	Langseth	Nelson	Sikorski	Wegener
Frank	Lantry	Olhoft	Spear	Willet

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

Mr. Ashbach imposed a Call of the Senate for the balance of the proceedings on S. F. No. 359 and requested that a record be made of those present. The following Senators answered to their names:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson, C. C.	Spear
Belanger	Engler	Lantry	Peterson, D. L.	Stern
Benson	Frank	Lessard	Peterson, R. W.	Stokowski
Berg	Frederick	Lindgren	Petty	Taylor
Berglin	Frederickson	Luther	Pillsbury	Tennessee
Bernhagen	Hanson	Menning	Purfeerst	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D. M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R. D.	Rued	Wegener
Dahl	Knoll	Nelson	Schmitz	Willet
Davies	Knutson	Olhoft	Sieloff	
Davis	Kroening	Pehler	Sikorski	

The Sergeant at Arms was instructed to bring in the absent members.

Mr. Taylor moved to amend S. F. No. 359 as follows:

Page 51, after line 4, insert:

"Sec. 72. Minnesota Statutes 1980, Section 176.101, Subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] For injury producing temporary total disability, 66 2/3 percent of the daily wage at the time of injury

(1), provided that during the year commencing on October 1, 1979, and each year thereafter, commencing on October 1, the maximum weekly benefits payable shall be the statewide average weekly wage for the period ending December 31, of the preceding year.

(2) ~~The minimum weekly compensation benefits for temporary total disability shall be not less than 50 percent of the statewide average weekly wage or the injured employee's actual weekly wage, whichever is less. In no case shall a weekly benefit be less than 20 percent of the statewide average weekly wage.~~

This compensation shall be paid during the period of disability, payment to be made at the intervals when the wage was payable, as nearly as may be."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 32, after the semicolon, insert "limiting temporary total benefits to 66 2/3 percent of the daily wage at the time of injury;"

Page 2, line 40, delete "Subdivision 3" and insert "Subdivisions 1 and 3"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Rued
Bang	Bernhagen	Frederickson	Peterson, D. L.	Sieloff
Belanger	Brataas	Knutson	Ramstad	Taylor
Benson	Engler	Kronebusch	Renneke	Ulland

Those who voted in the negative were:

Berglin	Hanson	Menning	Peterson, R. W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Dahl	Knoll	Moe, R. D.	Schmitz	Vega
Davies	Kroening	Nelson	Setzepfandt	Waldorf
Davis	Langseth	Olhoft	Sikorski	Wegener
Dicklich	Lantry	Pehler	Solon	Willet
Dieterich	Lessard	Penny	Spear	
Frank	Luther	Peterson, C. C.	Stern	

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

Mr. Frederick moved to amend S. F. No. 359 as follows:

Page 17, line 7, after "1." insert "Until January 1, 1986,"

Page 17, lines 9 and 10, delete the new language

The motion prevailed. So the amendment was adopted.

Mr. Frederick then moved to amend S. F. No. 359 as follows:

Page 61, after line 16, insert:

"Sec. 81. Minnesota Statutes 1980, Section 176.131, Subdivision 1, is amended to read:

Subdivision 1. If an employee incurs personal injury and suffers disability that is substantially greater, because of a pre-existing physical impairment, than what would have resulted from the personal injury alone, the employer shall pay all compensation provided by this chapter, but he shall be reimbursed from the special compensation fund for all compensation paid in excess of 52 weeks of monetary benefits and \$2,000 in medical expenses, subject to the following exceptions:

If the personal injury alone results in permanent partial disability to a scheduled member under section 176.101, the monetary and medical expense limitations shall not apply and the employer shall be liable for such compensation, medical expense, and retraining attributable to the permanent partial disability, and he may be reimbursed from the compensation fund only for compensation paid in excess of such disability.

Notwithstanding any other provisions of this chapter to the contrary, an employee who suffers an injury that results in a permanent disability as determined under section 176.101 shall be compensated only for that portion of the disability which arises out of personal injury sustained or contracted in the course of employment with the employer against whom the claim is made."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 45, after the semicolon, insert "providing for the apportionment of liability among work and non-work related disabilities"

Page 2, line 43, delete "Subdivision 10" and insert "Subdivisions 1 and 10"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Rued
Bang	Bernhagen	Frederickson	Peterson, D.L.	Sieloff
Belanger	Brataas	Knutson	Ramstad	Taylor
Benson	Engler	Kronebusch	Renneke	Ulland

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson, C.C.	Stern
Bertram	Hughes	Menning	Peterson, R.W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Stumpf
Dahl	Johnson	Moe, D. M.	Purfeerst	Tennessen
Davies	Knoll	Moe, R. D.	Schmitz	Vega
Davis	Kroening	Nelson	Setzepfandt	Waldorf
Dicklich	Langseth	Olhoft	Sikorski	Wegener
Dieterich	Lantry	Pehler	Solon	Willet
Frank	Lessard	Penny	Spear	

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

Mr. Peterson, C. C. moved to amend S. F. No. 359 as follows:

Page 100, line 4, delete "an"

Page 100, line 5, delete "*intervening statutory change*" and insert "*a legislative enactment other than this act or a rate order which became effective on or before the effective date of this section*"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 359 as follows:

Pages 81 and 82, delete section 100

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 48, delete "176.261;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Knutson	Ramstad	Ulland
Bang	Brataas	Kronebusch	Renneke	
Belanger	Engler	Lindgren	Rued	
Benson	Frederick	Olhoft	Sieloff	
Berg	Frederickson	Peterson, D.L.	Taylor	

Those who voted in the negative were:

Berglin	Frank	Lantry	Penny	Spear
Bertram	Hanson	Lessard	Peterson, C. C.	Stern
Chmielewski	Hughes	Luther	Peterson, R. W.	Stokowski
Dahl	Humphrey	Menning	Petty	Stumpf
Davis	Johnson	Merriam	Purfeerst	Tennessee
Davis	Knoll	Moe, R. D.	Schmitz	Vega
Dicklich	Kroening	Nelson	Setzepfandt	Waldorf
Dieterich	Langseth	Pehler	Sikorski	Willet

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R. D. moved that the vote whereby the third Peterson, C. C. amendment to S. F. No. 359 was adopted on April 20, 1981, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Luther	Petty	Vega
Chmielewski	Hughes	Moe, D. M.	Sikorski	Waldorf
Dahl	Humphrey	Moe, R. D.	Solon	Wegener
Davis	Johnson	Nelson	Spear	Willet
Dicklich	Kroening	Pehler	Stern	
Dieterich	Langseth	Penny	Stokowski	
Frank	Lantry	Peterson, R. W.	Stumpf	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Peterson, C. C.	Setzepfandt
Bang	Brataas	Kronebusch	Peterson, D. L.	Sieloff
Belanger	Davis	Lessard	Ramstad	Taylor
Benson	Engler	Lindgren	Renneke	Ulland
Berg	Frederick	Merriam	Rued	
Bernhagen	Frederickson	Olhoft	Schmitz	

The motion prevailed. So the vote on the third Peterson, C. C. amendment was reconsidered. Mr. Peterson withdrew his amendment.

Mr. Moe, R. D. moved to amend S. F. No. 359 as follows:

Page 66, line 22, after "12" insert " , except that the maximum fees allowable for medical, podiatric, surgical and hospital treatment or services as defined and compensable under section 176.135, shall be limited to the 75th percentile of usual and customary fees based upon billings during calendar year 1978; and, except that the maximum fees allowable for chiropractic treatment or services shall include the treatments or services defined in section 148.01 and compensable under chapter 176 and shall be limited to the 75th percentile of usual and customary fees based upon billings during calendar year 1978"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Hanson	Menning	Peterson, R. W.	Stokowski
Chmielewski	Humphrey	Merriam	Petty	Stumpf
Dahl	Johnson	Moe, D. M.	Sieloff	Tennessee
Davis	Kroening	Moe, R. D.	Sikorski	Vega
Dicklich	Langseth	Nelson	Solon	Waldorf
Dieterich	Lantry	Pehler	Spear	Wegener
Frank	Luther	Penny	Stern	Willet

Those who voted in the negative were:

Ashbach	Bertram	Hughes	Olhoff	Schmitz
Bang	Brataas	Knoll	Peterson, C.C.	Setzepfandt
Belanger	Davies	Knutson	Peterson, D.L.	Taylor
Benson	Engler	Kronebusch	Purfeerst	Ulland
Berg	Frederick	Lessard	Ramstad	
Bernhagen	Frederickson	Lindgren	Rued	

The motion prevailed. So the amendment was adopted.

Mr. Ulland moved to amend S.F. No. 359 as follows:

Page 40, line 18, reinstate the stricken language

Page 40, line 19, reinstate the stricken language and delete the new language

Page 40, lines 21 to 25, reinstate the stricken language

Page 40, line 26, reinstate the stricken "following schedule: 25 percent of the amount due after" and after "due" insert "*immediately*"

Page 40, line 27, after the stricken word "injury" insert "*a return to work*"

Page 40, line 27, reinstate the stricken ", 25 percent after"

Page 40, line 27, after the second stricken word "weeks" insert "*90 days from the date of a return to work*"

Page 40, line 27, reinstate the second stricken ", 25"

Page 40, line 28, reinstate the stricken "percent after"

Page 40, line 28, after the first stricken word "weeks" insert "*180 days*"

Page 40, line 28, reinstate the stricken "and 25 percent after"

Page 40, line 28, after the stricken words "16 weeks" insert "*270 days*"

Page 40, line 28, reinstate the stricken ", provided"

Page 40, lines 29 to 31 reinstate the stricken language

Page 41, line 14, strike "no"

Pages 41 and 42, delete section 55

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 33, delete "lump sum" and insert "installment payments of"

Page 1, line 34, delete "payments"

Page 1, lines 34 and 35, delete "and weekly payments if the employee could but does not return to work"

Page 2, line 36, delete "subdivisions" and insert "a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Sieloff
Bang	Bernhagen	Frederickson	Peterson, D.L.	Taylor
Belanger	Brataas	Knutson	Ramstad	Ulland
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson, R. W.	Stokowski
Bertram	Hughes	Menning	Petty	Stumpf
Chmielewski	Humphrey	Merriam	Purfeerst	Tennessen
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Langseth	Pehler	Solon	Willet
Dieterich	Lantry	Penny	Spear	
Frank	Lessard	Peterson, C. C.	Stern	

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

Mr. Knutson moved to amend S.F. No. 359 as follows:

Page 67, after line 14, insert:

"Sec. 86. Minnesota Statutes 1980, Section 176.151, is amended to read:

176.151 [TIME LIMITATIONS.]

The time within which the following acts shall be performed shall be limited to the following periods, respectively:

(1) Actions or proceedings by an injured employee to determine or recover compensation, three years after the employer has made written report of the injury to the commissioner of the department of labor and industry, but not to exceed six years from the date of the accident.

(2) Actions or proceedings by dependents to determine or recover compensation, three years after the receipt by the commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of injury, provided, however, if the employee was paid compensation for the injury from which the death resulted, such actions or proceedings by dependents must be commenced within three years after the receipt by the commissioner of the department of labor and industry of written notice of death, given by the employer, but not to exceed six years from the date of death. In any such case, if a dependent of the deceased, or any one in his behalf, gives written notice of such death to the commissioner of the department of labor and industry, the commissioner shall forthwith give written notice to the employer of the time and place of such death. In case the deceased was a native of a foreign country and leaves no known dependent within the United States, the commissioner of the department of labor and industry shall give written notice of the death to the consul or other representative of the foreign country forthwith.

(3) *Once compensation has been paid to the employee, he must bring any action for further compensation within eight years from the date compensation was last paid except in the case of lump sum payments made pursuant to section 176.021, subdivision 3, in which case any action must be commenced within eight years from what would have been the date of expiration of weekly benefits under section 176.101 had not lump sum payments been made.*

(4) *Clause (3) shall not apply where any existing order or award provides for further payments of compensation for recurrences of the disability from the injury to the employee; or in an injury of a nature where in the opinion of the compensation judge or workers' compensation court of appeals upon appeal there is a possibility of a future disability and the compensation judge or workers' compensation court of appeals upon appeal so finds.*

(5) Clause (3) shall not apply where the employee's injury for which he has received compensation is such that as part of his medical care he is entitled to the future replacement or repair of crutches, apparatus, artificial members, glasses, spectacles, artificial eyes, dental bridge work, dentures or artificial teeth, hearing aids, canes, wheel chairs, or other prosthetic devices and his claim relates to items in this paragraph, or to future medical care as it relates to items in this paragraph.

(3) (6) In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time specified in this section, the period of limitation in any such case shall be extended for three years from the date when the incapacity ceases.

(4) (7) In the case of injury caused by x-rays, radium, radioactive substances or machines, ionizing radiation, or any other occupational disease, the time limitations otherwise prescribed by Minnesota Statutes 1961, Chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give notice to the employer and commence his action within three years after the employee has knowledge of the cause of such injury and the injury has resulted in disability."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 7, after the semicolon, insert "providing a statute of limitations for the reopening of claims;"

Page 2, line 44, after the second semicolon, insert "176.151;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 41, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Sieloff
Bang	Bernhagen	Frederickson	Peterson, D.L.	Taylor
Belanger	Brataas	Knutson	Ramstad	Ulland
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson, R.W.	Tennesen
Bertram	Hughes	Menning	Petty	Vega
Chmielewski	Humphrey	Merriam	Schmitz	Waldorf
Dahl	Johnson	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Nelson	Sikorski	Willet
Davis	Kroening	Olhoft	Spear	
Dicklich	Langseth	Pehler	Stern	
Dieterich	Lantry	Penny	Stokowski	
Frank	Lessard	Peterson, C.C.	Stumpf	

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

Mr. Ashbach moved to amend S. F. No. 359 as follows:

Pages 66 and 67, delete section 84.

Renumber the sections in sequence

Amend the title as follows:

Page 2, delete lines 9 and 10

Page 2, line 11, delete "workers' compensation;"

Page 2, line 44, delete "176.136;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Lindgren	Taylor
Bang	Bernhagen	Frederickson	Peterson, D.L.	Ulland
Belanger	Brataas	Knutson	Ramstad	
Benson	Engler	Kronebusch	Rued	

Those who voted in the negative were:

Berglin	Hanson	Luther	Peterson, C.C.	Stokowski
Bertram	Hughes	Menning	Peterson, R.W.	Stumpf
Chmielewski	Humphrey	Merriam	Petty	Tennessen
Dahl	Johnson	Moe, D. M.	Schmitz	Vega
Davies	Knoll	Moe, R. D.	Setzepfandt	Waldorf
Davis	Kroening	Nelson	Sieloff	Wegener
Dicklich	Langseth	Olhoft	Sikorski	Willet
Dieterich	Lantry	Pehler	Spear	
Frank	Lessard	Penny	Stern	

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

Mr. Taylor moved to amend S. F. No. 359 as follows:

Page 51, line 10, strike "the statewide weekly wage" and insert "\$250 per week"

Amend the title as follows:

Page 1, line 35, after the semicolon, insert "providing for a flat dollar permanent partial maximum;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederick	Peterson, D.L.	Taylor
Bang	Bernhagen	Frederickson	Ramstad	Ulland
Belanger	Brataas	Knutson	Rued	
Benson	Engler	Lindgren	Sieloff	

Those who voted in the negative were:

Berglin	Hanson	Menning	Peterson, R.W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessen
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Langseth	Pehler	Solon	Willet
Dieterich	Lantry	Penny	Spear	
Frank	Luther	Peterson, C.C.	Stern	

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

Mrs. Brataas moved to amend S. F. No. 359 as follows:

Page 6, delete section 7

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 29, after the second semicolon, delete "15A.083,"

Page 2, line 30, delete "by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Engler	Lindgren	Rued
Bang	Bertram	Frank	Menning	Setzepfandt
Belanger	Brataas	Frederick	Olhoft	Sieloff
Benson	Chmielewski	Frederickson	Pehler	Solon
Berg	Davis	Knutson	Peterson, D.L.	Taylor
Berglin	Dicklich	Kronebusch	Ramstad	Ulland

Those who voted in the negative were:

Dahl	Knoll	Moe, R. D.	Sikorski	Waldorf
Davies	Kroening	Nelson	Spear	Wegener
Dieterich	Langseth	Penny	Stern	Willet
Hanson	Lantry	Peterson, C. C.	Stokowski	
Hughes	Luther	Peterson, R. W.	Stumpf	
Humphrey	Merriam	Petty	Tennessee	
Johnson	Moe, D. M.	Purfeerst	Vega	

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

S. F. No. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing

for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6, and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075 to 79.09; 79.11 to 79.21; 79.22, Subdivision 1; 79.221 to 79.33; 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting laws 1980, Chapter 556, Section 12.

Was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 44 and nays 17, as follows:

Those who voted in the affirmative were:

Benson	Frank	Luther	Peterson, C. C.	Stern
Berglin	Hanson	Menning	Peterson, R. W.	Stokowski
Bertram	Hughes	Merriam	Petty	Stumpf
Chmielewski	Humphrey	Moe, D. M.	Purfeerst	Tennessee
Dahl	Johnson	Moe, R. D.	Schmitz	Vega
Davies	Knoll	Nelson	Setzepfandt	Waldorf
Davis	Kroening	Olhoft	Sikorski	Wegener
Dicklich	Lantry	Pehler	Solon	Willet
Dieterich	Lessard	Penny	Spear	

Those who voted in the negative were:

Ashbach	Brataas	Knutson	Ramstad	Ulland
Bang	Engler	Kronebusch	Rued	
Belanger	Frederick	Lindgren	Sieloff	
Berg	Frederickson	Peterson, D. L.	Taylor	

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

Without objection, the Senate reverted to the Order of Business of Messages from the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House accedes to the request of the Senate for the return of Senate File No. 759 for further consideration.

S. F. No. 759: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; limiting the means by which the commissioner may acquire certain abandoned railroad right-of-way; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, Subdivision 2, and by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

Senate File No. 759 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1981

RECONSIDERATION

Without objection Mr. Penny moved that the vote whereby S. F. No. 759 was passed by the Senate on April 15, 1981, be now reconsidered. The motion prevailed.

Mr. Penny moved that S. F. No. 759 be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that H. F. No. 928 be withdrawn from the Committee on Local Government and Urban Affairs and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 950. The motion prevailed.

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 22, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate