

FORTY-FIRST DAY

St. Paul, Minnesota, Monday, April 27, 1981

The Senate met at 9:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

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

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

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. Knutson was excused from the Session of today until 11:00 a.m. Mr. Menning was excused from the Session of today from 11:15 a.m. to 1:30 p.m. Mr. Olhoft was excused from the Session of today from 11:15 a.m. to 2:00 p.m. Mr. Sieloff was excused from the Session of today from 9:00 to 9:45 a.m. Mr. Tennessen was excused from the Session of today from 9:00 to 10:45 a.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 23, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 275, 354, 692,

917, 454, 416, 347, 336, 331, 197, and 11.

Sincerely yours,

Albert H. Quie, Governor

April 24, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1981	Date Filed 1981
	117	40	April 23	April 23
	471	41	April 23	April 23
	483	42	April 23	April 23
11		43	April 23	April 23
197		44	April 23	April 23
275		45	April 23	April 23
331		46	April 23	April 23
336		47	April 23	April 23
347		48	April 23	April 23
354		49	April 23	April 23
416		50	April 23	April 23
454		51	April 23	April 23
692		52	April 23	April 23
917		53	April 23	April 23

Sincerely,

Joan Anderson Growe
Secretary of State

February 24, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

The following appointments to the Metropolitan Council are hereby respectfully submitted to the Senate for confirmation as required by law:

Dean T. Maschka, 1965 Millwood, Roseville, Ramsey County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Thomas W. Newcome, 2374 Joy Avenue, White Bear Lake, Ramsey County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Joan Campbell, 947 17th Avenue SE, Minneapolis, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Alton J. Gasper, 5406 Hampshire Drive, Minneapolis, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Patricia Hasselmo, 516 Westwood Drive South, Golden Valley, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Roger H. Scherer, 7118 North Willow Lane, Brooklyn Center, Hennepin County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

Mary M. Hauser, 616 Hall Avenue, White Bear Lake, Washington County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

William G. Sando, Rural Route #2, Box 281, Prior Lake, Scott County, has been appointed by me, effective February 24, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Governmental Operations.)

Sincerely yours,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 305 and 1044.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Senate File No. 375 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

Ms. Berglin moved that S. F. No. 375 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 4, and by adding subdivisions; 201.221, Subdivision 4; and 204A.29, by adding a subdivision.

Senate File No. 520 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 23, 1981

CONCURRENCE AND REPASSAGE

Mr. Kroening moved that the Senate concur in the amendments by the House to S. F. No. 520 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 520: A bill for an act relating to elections; allowing cities and counties to elect to use data processing systems in lieu of duplicate registration cards; requiring the secretary of state to prescribe alternate forms for duplicate registration files; changing voter verification requirements for cities and counties which elect to use data processing systems; amending Laws 1981, Chapter 29, Article II, Section 9; Article II, Section 24; and Article V, Section 10.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 339, and

repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 339: A bill for an act relating to towns; providing for the opening of cartways under certain circumstances; providing a method for determining whether to open or maintain certain town roads; amending Minnesota Statutes 1980, Sections 164.08, Subdivision 2; and 365.10.

House File No. 339 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1981

CONFERENCE COMMITTEE REPORT ON H. F. NO. 339

April 21, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

We, the undersigned conferees for H. F. No. 339, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Thomas R. Berkelman, Lona A. Minne, Joseph R. Begich

Senate Conferees: (Signed) Ronald R. Dicklich, Douglas J. Johnson, Sam G. Solon

Mr. Dicklich moved that the foregoing recommendations and Conference Committee Report on H. F. No. 339 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 339 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

Mr. Kroening and Mrs. Kronebusch voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 588, 1218, 1421, 188, 697, 732, 889, 25, 35, 54, 126, 137, 192, 590 and 1434.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 23, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 219, 249, 330 and 339.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 145: A bill for an act relating to crimes; authorizing notices of dishonored checks to be made by certified or regular mail and an affidavit of service by mailing; amending Minnesota Statutes 1980, Section 609.535, Subdivision 3.

Senate File No. 145 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 145 and that the bill be placed on its repassage as amended. The motion prevailed.

Mr. Wegener moved that S. F. No. 145 be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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 per-

mits; 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.

Senate File No. 760 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1981

CONCURRENCE AND REPASSAGE

Mr. Frank moved that the Senate concur in the amendments by the House to S. F. No. 760 and that the bill be placed on its repassage as amended. The motion prevailed.

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; requiring distribution of licensure requirements to secondary school counselors; removing delinquent and non-practicing statutes; providing for nursing permits; repealing outdated statutes; providing for advanced standing for licensed practical nurses; amending Minnesota Statutes 1980, Sections 148.181, Subdivision 2; 148.211, Subdivision 1; 148.231, Subdivisions 1, 4, 5, and 6; 148.251, by adding a subdivision; 148.271; 148.291, Subdivision 1; 148.294 and 148.295; repealing Minnesota Statutes 1980, Section 148.231, Subdivision 2.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

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

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

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that S. F. No. 375 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House

to S. F. No. 375 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 375: A bill for an act relating to Hennepin county; providing for the administration of health care and related services of the county; providing for the administration of the duties and the appointment of the county medical examiner; repealing Laws 1963, Chapter 738, as amended; and Laws 1963, Chapter 848, as amended.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

Without objection, the Senate reverted to the Order of Business of First Reading of House Bills.

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 588: A bill for an act relating to financial institutions; providing for maximum interest rates on overdraft checking loans; amending Minnesota Statutes 1980, Section 48.185, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 308, now on General Orders.

H. F. No. 1218: A bill for an act relating to education; extending due dates for plans and reports relating to the statewide education management information system; authorizing the state board to perform certain duties according to specified criteria in the absence of rules; amending Minnesota Statutes 1980, Sections 121.931, Subdivisions 3, 4 and 7; and 121.938, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1287, now on General Orders.

H. F. No. 1421: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its

hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

Referred to the Committee on Finance.

H. F. No. 188: A bill for an act relating to financial institutions; increasing the maximum lawful interest rate chargeable by state banks and savings banks on certain transactions; amending Minnesota Statutes 1980, Section 48.195.

Referred to the Committee on Commerce.

H. F. No. 697: A bill for an act relating to agriculture; regulating alien use of agricultural land; providing penalties; amending Minnesota Statutes 1980, Section 500.221.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 733.

H. F. No. 732: A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1075.

H. F. No. 889: A bill for an act relating to water well contractors; altering the exemption from license requirements for certain registered professional engineers; providing for licensing of thermal exchange devices; amending Minnesota Statutes 1980, Sections 156A.02, by adding a subdivision; and 156A.03, Subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1223, now on General Orders.

H. F. No. 25: A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; providing for the establishment of misdemeanor violation bureaus for Hennepin County; amending Minnesota Statutes 1980, Sections 488A.08, Subdivision 1; and 488A.13, Subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1335.

H. F. No. 35: A resolution memorializing Congress to enact legislation relating to the early release of election returns.

Referred to the Committee on Elections and Reapportionment.

H. F. No. 54: A bill for an act relating to meetings of public bodies; allowing public employers to determine negotiation strategy at a nonpublic meeting; amending Minnesota Statutes 1980, Section 471.705, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 392, now on General Orders.

H. F. No. 126: A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and

clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 415.

H. F. No. 137: A bill for an act relating to the legislature; establishing a legislative commission on efficiency and economy in state government; proposing new law coded in Minnesota Statutes, Chapter 3.

Referred to the Committee on Governmental Operations.

H. F. No. 192: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 413.

H. F. No. 590: A bill for an act relating to highways; providing criteria for determining the population of a city for the purposes of the municipal state-aid street system; amending Minnesota Statutes 1980, Section 162.09, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 1434: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; amending Minnesota Statutes 1980, Sections 12.14; 43.491, Subdivision 2; 46.131, Subdivision 3; 161.242, Subdivision 4; 169.451; 173.25; 174.255, by adding a subdivision; 216B.62, Subdivision 3, and by adding a subdivision; 237.295, Subdivision 2, and by adding a subdivision; 239.10; 239.52; 326.241, Subdivision 3; 326.244, Subdivision 2; 340.11, Subdivision 14; 340.113, Subdivision 2; 340.119, Subdivision 3; 340.402; 340.493, Subdivision 2; 340.62; 360.021, Subdivisions 1 and 2; 360.305, by adding subdivisions; 388.14; 388.19, Subdivision 1; and 414.051; proposing new law coded in Minnesota Statutes, Chapter 138.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

Mr. Hughes from the Committee on Education, to which was referred

H. F. No. 817: A bill for an act relating to education; permitting the operation of single sex wrestling teams; amending Minnesota Statutes 1980, Section 126.21, Subdivision 3.

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1247: A bill for an act relating to education; permitting districts to purchase insurance coverage for the operation of leased buses in certain circumstances; amending Minnesota Statutes 1980, Section 123.39, Subdivisions 8 and 9 and by adding a subdivision.

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

Page 2, line 5, reinstate the stricken language and delete the new language

Page 2, line 10, after "may" insert "*purchase and*"

Page 2, line 14, delete "*by the insurer*"

Page 2, line 24, before "*coverage*" insert "*insurance*"

Page 2, line 24, delete "*under the insurance policy*"

Page 2, line 25, delete "*. The liability coverage indemnifying the lessee may not*" and insert "*and to protect the board and the district, in any amount not exceeding the limits of coverage provided for the insurance*"

Page 2, line 26, delete "*exceed the coverage*"

Page 2, line 27, before the period, insert "*against claims for injuries and damages arising out of the use and operation of a district-owned bus while it is leased or rented to the lessee pursuant to subdivision 8*"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 764: A bill for an act relating to unemployment compensation; providing that holiday pay not be deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1980, Section 268.04, Subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar weeks immediately preceding the first day of an individual's benefit year. Provided, however, that if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States *or of the several states* for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed 52 weeks, for which he received such payments; provided further, that no extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim."

Page 2, line 35, delete "*This act*" and insert "*Section 1 is effective retroactively to January 1, 1980, and applies to claims for benefits filed on and after*

that date. Section 2".

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "clarifying the provisions extending the base period in cases of the receipt of certain workers' compensation benefits;"

Page 1, line 4, delete "Section" and insert "Sections 268.04, Subdivision 2; and"

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

Mr. Wegener from the Committee on Local Government and Urban Affairs, to which was referred

S. F. No. 1212: A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

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

Page 1, line 15, delete "for each" and insert "in any two"

Page 1, delete line 16 and insert "has shown that no contribution to other municipal funds has been made from the net income"

Page 1, line 17, delete "than 25 percent over a period" and insert "of the operation in any two"

Page 1, line 21, after the period, insert "Two weeks notice, written in clear and easily understandable language, of the hearing shall be printed in the city's official newspaper."

Page 2, line 7, after "funds" insert "under its control"

Page 2, line 7, after "except" insert "for capital improvements or"

Page 2, line 13, delete "in a newspaper published in the"

Page 2, line 14, delete "city or if there is no newspaper in the city then"

Page 2, line 15, after the period, insert "The statement shall be headlined, in a type size no smaller than 18 point: 'Analysis of _____(city)_____municipal liquor store operations for _____(year)_____' and shall be written in clear and easily understandable language. It shall contain the following information: total sales, cost of sales, gross profit, profit as percent of sales, operating expenses, operating income, contributions to and/or from other funds, capital outlay, interest paid and debt retired. The form and style of the statement shall be prescribed by the state auditor."

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

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

referred

H. F. No. 386: A bill for an act relating to the city of St. Paul; authorizing issuance of general obligation bonds for capital improvements; fixing amounts; amending Laws 1971, Chapter 773, Section 1, as amended; and Laws 1978, Chapter 788, Section 5.

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

Page 2, line 5, reinstate the stricken language and delete the new language

Page 2, line 7, strike "as finally equalized" and delete the new language

Page 2, line 8, delete the new language

Page 2, line 11, reinstate the stricken language and delete the new language

Page 3, line 14, delete "And" and delete "moneys" and insert "money"

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

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

S. F. No. 1265: A bill for an act relating to the Ramsey-Washington Metro watershed district; permitting deferral of special assessments in certain cases of hardship.

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

Page 1, line 8, after "district" insert "board of managers"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 413: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

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

Page 1, line 23, delete "grower or"

Page 1, line 24, delete "and" and insert "or"

Page 3, line 3, delete "two" and insert "three"

Page 3, line 4, after "Subd" insert a period

Page 3, line 5, delete "30" and insert "70"

Page 3, line 5, after "hours" delete "of" and insert "pay for"

Page 3, line 6, delete "per week and 70 hours of work"

Page 3, line 6, after "two" insert "successive"

Page 3, line 7, delete "*numbers of*" and insert "*pay for*"

Page 3, line 8, delete "*be*" and insert "*provide a sum of pay*"

Page 3, line 9, after "*difference*" insert "*within three days after the scheduled payday for the pay period involved*" and after the period delete "*The work*"

Page 3, delete line 10

Page 3, line 11, delete "*of work specified in the employment statement.*"

Page 3, line 14, after the period, insert "*Any pay in addition to the hourly wage rate specified in the employment statement shall be applied against the guarantee.*"

Page 3, line 16, delete "*day after arrival at the place of*" and insert "*date on which employment is to begin,*"

Page 3, delete line 17

Page 3, line 18, delete "*place of employment*"

Page 3, line 18, delete the comma

Page 3, line 19, delete "*whichever occurs later*"

Page 3, line 19, after the period, insert "*The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at his last known address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal pay day, the sum of \$5 for each such day.*"

Page 4, line 18, delete "*liquidated damages*" and insert "*the appropriate penalty*"

Page 4, line 19, after the period, insert "*The court may also award court costs and a reasonable attorney's fee.*" and delete "*amount of liquidated*"

Page 4, line 20, delete "*damages*" and insert "*penalties*"

Page 4, line 22, delete "\$250" and insert "\$50"

Page 4, line 34, delete "*and*"

Page 4, after line 34, insert:

"(5) Whenever the court finds that an employer has failed to pay wages to a migrant worker within a time period set forth in section 3, subdivision 2 or 3, \$250; and"

Page 4, line 35, delete "(5)" and insert "(6)" and delete "*liquidated damages*" and insert "*penalties*"

Page 5, after line 11, insert:

“Sec. 7. [181.91] [PRESERVATION OF EXISTING REMEDIES.]

The remedies provided in sections 1 to 6 are not exclusive, but are in addition to remedies provided in other law.”

Page 5, line 12, delete “7” and insert “8”

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 462: A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1980, Sections 325F.60; and 325F.64.

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

Page 1, line 13, delete “the” and insert “a”

Page 1, line 13, after the first comma, insert “a”

Page 1, line 14, after the first “or” insert “an”

Page 1, line 15, after “value” delete “price”

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 509: A bill for an act relating to commerce; requiring disclosure in motor vehicle transactions; proposing new law coded in Minnesota Statutes, Chapter 168.

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

Page 1, line 8, after “[DEFINITION.]” insert “For the purposes of this section: (a)”

Page 1, line 8, delete “as used in”

Page 1, line 9, delete “this section”

Page 1, after line 11, insert:

“(b) The term “contract” means a written agreement between a seller and a purchaser for the sale of a motor vehicle, but not including a conditional sales contract entered into pursuant to a separate purchase agreement that contains the disclosures contained in this section.”

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 121: A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 340.11, is amended by adding a subdivision to read:

Subd. 11c. [SALE OF LIQUOR AT SPORTS OR CONVENTION FACILITIES.] The governing body of any municipality as defined in section 340.07, subdivision 11, may by ordinance authorize any holder of an on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports or convention facility owned by the municipality or instrumentality thereof having independent policymaking and appropriating authority, and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee shall not dispense intoxicating liquor to any person attending or participating in any amateur athletic event held on the premises. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. All dispensing of intoxicating liquor shall be in accordance with terms and conditions prescribed by the municipality, and such terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The municipality may fix and assess a fee to be paid to the municipality by an on-sale licensee for each occasion where the licensee is engaged to dispense intoxicating liquor. The authority granted by this subdivision shall not be construed as counting as an additional on-sale intoxicating liquor license for purposes of determining the number of liquor licenses permitted to be issued under the provisions of section 340.11.

Sec. 2. [PRIOR LAWS.]

Nothing in this act shall be construed to affect the provisions of any act enacted prior to the effective date of this act authorizing any municipality to permit the dispensing of intoxicating liquor at any publicly owned sports or convention facility.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert:

"relating to intoxicating liquor; authorizing municipalities to permit on-sale of liquor at publicly-owned sports or convention facilities by existing licensees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision."

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 321: A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

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

follows:

Page 1, line 18, after "*organization*" insert "*or a political committee as defined in section 210A.01, subdivision 8*"

Page 1, line 21, after the period, insert "*If the person, organization or corporation which receives the license pursuant to this section does not hold another "on-sale" license, it shall contract with an existing licensee to dispense the liquor."*

Page 2, line 4, after "*organization*" insert "*or a political committee as defined in section 210A.01, subdivision 8*"

Page 2, line 4, after the period, insert "*The licensee shall comply with the requirements of chapter 340 with respect to liability insurance or other form of financial responsibility."*

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1160: A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

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

Page 2, line 25, after the period, insert "*For purposes of this section, the term "member or stockholder" shall mean either the member or stockholder of record or the spouse of the member or stockholder unless the association has been notified otherwise in writing."*

Page 3, line 6, after the period, insert "*For purposes of this section, the term "customer" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the municipal utility has been notified otherwise in writing."*

Page 3, line 25, after the period, insert "*For purposes of this section, the term "subscriber" shall mean either the person in whose name the telephone service is registered or the spouse of the person unless the independent telephone company has been notified otherwise in writing."*

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 665: A bill for an act relating to insurance; establishing standards applicable to accident or health insurance policies which purport to supplement medicare benefits; prescribing minimum levels of coverage; providing for certain disclosures; and prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 62A.

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

Delete everything after the enacting clause and insert:

"MEDICARE SUPPLEMENT INSURANCE**Section 1. [62A.31] [MEDICARE SUPPLEMENT BENEFITS; MINIMUM STANDARDS.]**

Subdivision 1. [POLICY REQUIREMENTS.] No individual or group policy, certificate, subscriber contract or other evidence of accident and health insurance issued or delivered in this state shall be sold or issued to an individual age 65 or older covered by medicare unless the following requirements are met:

(a) The policy must provide a minimum of the coverage set out in subdivision 2;

(b) The policy must cover pre-existing conditions during the first six months of coverage if the insured was not diagnosed or treated for the particular condition during the 90 days immediately preceding the effective date of coverage;

(c) The policy must contain a provision that the plan will not be canceled or nonrenewed on the grounds of the deterioration of health of the insured; and

(d) An outline of coverage as provided in section 9 must be delivered at the time of application and prior to payment of any premium.

The requirements of sections 1 to 12 shall not apply to individual travel accident policies or group policies of accident and health insurance which do not purport to supplement medicare issued to any of the following groups:

(a) A policy issued to an employer or employers or to the trustee of a fund established by an employer where only employees or retirees of the employer are eligible for coverage.

(b) A policy issued to a labor union or similar employee organization.

(c) A policy issued to an association, a trust or the trustee of a fund established, created or maintained for the benefit of members of one or more associations. The association or associations shall have at the outset a minimum of 100 persons; shall have been organized and maintained in good faith for purposes other than that of obtaining insurance; shall have a constitution and by-laws which provide that (1) the association or associations hold regular meetings not less frequently than annually to further purposes of the members, (2) except for credit unions, the association or associations collect dues or solicit contributions from members, and (3) the members have voting privileges and representation on the governing board and committees.

Subd. 2. [GENERAL COVERAGE.] For a policy to meet the requirements of this section it must contain a designation specifying whether the policy is a medicare supplement 1 +, 1, 2, or 3, a caption stating that the commissioner has established four categories of medicare supplement insurance and minimum standards for each, with medicare supplement 1 + being the most comprehensive and medicare supplement 3 being the least comprehensive, and minimum coverage prescribed for each category in sections 2 to 5.

Sec. 2. [62A.32] [MEDICARE SUPPLEMENT 1 +; QUALIFIED COVERAGE.]

Medicare supplement 1 + must have a level of coverage so that it will be

certified as a qualified plan pursuant to chapter 62E, and will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare to at least 50 percent of the deductible and co-payment required under medicare for the first 60 days of any medicare benefit period;

(b) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(c) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(d) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days;

(e) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of at least 50 percent of the medicare calendar year part B deductible;

(f) 80 percent of charges for covered services described in section 62E.06, subdivision 1, which charges are not paid by medicare or pursuant to paragraphs (a) to (e); and

(g) Shall include a limitation of \$1,000 per person on total annual out-of-pocket expenses for the covered services.

Sec. 3. [62A.33] [MEDICARE SUPPLEMENT 1; NON-QUALIFIED COVERAGE.]

Medicare supplement 1 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare to at least 50 percent of the deductible and co-payment required under medicare for the first 60 days of any medicare benefit period;

(b) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(c) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(d) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days; and

(e) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of the medicare calendar year part B deductible and a maximum benefit of at least \$5,000 per calendar year; and

(f) 50 percent of charges for covered services described in section 62E.06, subdivision 1, which charges are not paid by medicare or pursuant to paragraphs (a) to (e).

Sec. 4. [62A.34] [MEDICARE SUPPLEMENT 2; NON-QUALIFIED COVERAGE.]

Medicare supplement 2 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(b) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(c) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of the medicare calendar year part B deductible and a maximum benefit of at least \$5,000 per calendar year.

Sec. 5. [62A.35] [MEDICARE SUPPLEMENT 3; NON-QUALIFIED COVERAGE.]

Medicare supplement 3 must have a level of coverage that, at a minimum, will provide:

(a) Coverage of part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period;

(b) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days to the extent not covered by medicare;

(c) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days; and

(d) Coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement and coverage of a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

Sec. 6. [62A.36] [LOSS RATIO STANDARDS.]

Subdivision 1. [MINIMUM LOSS RATIOS.] Notwithstanding the provisions of section 62A.02, subdivision 3, relating to loss ratios, medicare supplement policies shall be expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims

experience and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums collected in the case of group policies, and

(b) At least 65 percent of the aggregate amount of premiums collected in the case of individual policies.

Subd. 2. [SOLICITATIONS BY MAIL OR MEDIA ADVERTISEMENT.]
For purposes of this section, medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

Sec. 7. [62A.37] [SEALS AND EMBLEM PROHIBITED.]

No graphic seal or emblem shall be displayed on any policy or promotional literature to indicate or give the impression that there is any connection, certification, approval or endorsement from medicare or any governmental body.

Sec. 8. [62A.38] [NOTICE OF FREE EXAMINATION.]

Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded in full if, after examination of the policy or certificate, the insured person is not satisfied for any reason. Medicare supplement policies or certificates, issued pursuant to a direct response solicitation to persons eligible for medicare by reason of age, shall have a notice prominently printed on the first page or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the insured person is not satisfied for any reason.

Sec. 9. [62A.39] [DISCLOSURE.]

No individual medicare supplement plan shall be delivered or issued in this state and no certificate shall be delivered pursuant to a group medicare supplement plan delivered or issued in this state unless an outline containing at least the following information is delivered to the applicant at the time the application is made:

(a) A description of the principal benefits and coverage provided in the policy;

(b) A statement of the exceptions, reductions, and limitations contained in the policy including the following language, as applicable, in bold print: **"THIS POLICY DOES NOT COVER ALL MEDICAL EXPENSES BEYOND THOSE COVERED BY MEDICARE. THIS POLICY DOES NOT COVER ALL SKILLED NURSING HOME CARE EXPENSES AND DOES NOT COVER CUSTODIAL NURSING CARE."**;

(c) A statement of the renewal provisions including any reservations by the insurer of a right to change premiums;

(d) A statement that the outline of coverage is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions; and

(e) A statement of the policy's loss ratio as follows: "This policy provides an anticipated loss ratio of [—%]. This means that, on the average, policyholders may expect that [\$—] of every \$100.00 in premium will be returned as benefits to policyholders over the life of the contract."

Sec. 10. [62A.40] [REPLACEMENT.]

No insurer or agent shall replace a medicare supplement plan with another medicare supplement plan of the same category unless there is a substantial difference in cost favorable to the policyholder, or the insured has previously demonstrated a dissatisfaction with the service he is presently receiving from his current insurer. An insurer or agent may replace a medicare supplement plan with a less comprehensive plan only if the prospective insured signs an acknowledgment that he understands that he will receive less benefits under the new policy than under the policy he presently has in force.

Sec. 11. [62A.41] [PENALTIES.]

Any insurer, general agent, agent, or other person who knowingly or willfully, either directly or indirectly, makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to compliance of any policy with the standards and requirements set forth in this section; falsely assumes or pretends to be acting, or misrepresents in any way that he is acting, under the authority or in association with medicare, or any federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value; or knowingly sells a health insurance policy to an individual entitled to benefits under part A or part B of medicare with the knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled under a requirement of state or federal law other than under medicare shall be guilty of a felony and subject to a civil penalty of not more than \$5,000 per violation, and the commissioner may revoke or suspend the license of any company, association, society, other insurer, or agent thereof.

Sec. 12. [62A.42] [RULEMAKING AUTHORITY.]

To carry out the purposes of this section, the commissioner may promulgate rules pursuant to chapter 15. These rules may:

(a) Prescribe additional disclosure requirements for medicare supplement plans, designed to adequately inform the prospective insured of the need and extent of coverage offered;

(b) Prescribe uniform policy forms in order to give the insurance purchaser a reasonable opportunity to compare the cost of insuring with various insurers; and

(c) Establish other reasonable standards to further the purpose of this section.

Sec. 13. Minnesota Statutes 1980, Section 62E.02, Subdivision 5, is amended to read:

Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 62E.07 ~~or the actuarial equivalent of those benefits.~~"

Amend the title as follows:

Page 1, line 6, after "penalties;" insert "amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5;"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 1087: A bill for an act relating to insurance; providing for the examination of certain insurers; requiring certain reports and providing certain alternatives to examinations; authorizing the commissioner to promulgate rules; broadening the commissioner's power to revoke or suspend certificates of authority; expanding certain insurers' investment authority; allowing the commissioner to regulate an insurer's ratio of qualified assets to required liabilities; broadening the coverage of the financial statement requirement; providing for annual audits; providing standards for the investment of assets of insurance companies; allowing the use of certain depositories and systems; providing certain limitations on the acquisition of specified investments and holdings; providing for miscellaneous changes and clarifications; amending Minnesota Statutes 1980, Sections 60A.031, Subdivisions 1, 3, 4, 5, and by adding subdivisions; 60A.05; 60A.11, by adding subdivisions; 60A.13, Subdivisions 1 and 6, and by adding subdivisions; 61A.28, Subdivisions 2, 3, and 6; 61A.282; 61A.29, Subdivision 2; 61A.30; 61A.31, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapters 60A and 61A; repealing Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2 to 8.

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

Page 7, line 6, strike "; FOREIGN COMPANIES AND"

Page 7, line 7, strike "THEIR AGENTS"

Page 7, line 16, delete "*interets*" and insert "*interests*"

Page 13, line 7, delete "*clause*" and insert "*paragraph*"

Page 13, line 15, delete "*clauses*" and insert "*paragraphs*"

Page 13, line 15, after "(a)" insert ", *clause*"

Page 15, line 2, delete "*clauses*" and insert "*paragraphs*"

Page 16, line 36, delete "*subparagraphs*" and insert " *subclauses*"

Page 16, line 36, delete "*through*" and insert "*to*"

Page 17, line 1, delete "*paragraph*" and insert "*clause*"

Page 17, lines 9 and 13, delete "*clause*" and insert " *paragraph*"

Page 18, lines 5 and 26, delete "*clause*" and insert " *paragraph*"

Page 18, line 30, delete "*clauses*" and insert "*paragraphs*"

Page 19, line 6, delete "*clause*" and insert "*paragraph*"

Page 19, line 14, delete "*clauses*" and insert "*paragraphs*"

Page 19, line 28, delete "*paragraphs*" and insert "*clauses*"

Page 20, lines 15 and 29, delete "*clause*" and insert "*paragraph*"

Page 21, line 25, delete "*clause*" and insert "*paragraph*"

Page 22, line 20, delete "[60A.11a]" and insert "[60A.111]"

Page 26, line 3, delete "*clause*" and insert "*paragraph*"

Page 27, line 15, after "6" insert "*, paragraph*"

Page 27, line 15, after "(g)" insert "*, clause*"

Page 27, line 32, strike "if the real estate is used for"

Page 27, line 33, strike "commercial purposes"

Page 28, line 23, strike "if"

Page 28, line 23, delete "*the*"

Page 28, line 24, strike "real estate is to be used for commercial purposes"

Page 29, line 13, delete "*dispersed*" and insert "*disbursed*"

Page 30, lines 14 and 16, strike "*clauses*" and insert "*paragraphs*"

Page 31, lines 2, 23, 27, and 31, strike "*clause*" and insert "*paragraph*"

Page 31, lines 31 and 35, strike "*clauses*" and insert "*paragraphs*"

Page 31, line 32, delete "20" and insert "25"

Page 31, line 33, delete "25" and insert "20"

Page 32, line 13, delete "*granted by an issuer*"

Page 32, line 14, strike "of"

Page 32, line 17, delete "*the issuer*"

Page 32, lines 19, 25, and 27, strike "*clause*" and insert "*paragraph*"

Page 33, lines 6 to 9, delete the new language

Page 33, line 9, strike the second comma and insert "(1) secured by letters of credit issued by a national bank, state bank or trust company which is a member of the federal reserve system or by a bank organized under the laws of the Dominion of Canada or (2) traded on a national securities exchange or (3)"

Page 33, line 13, delete "*or*"

Page 33, line 14, delete "*traded on a National Securities Exchange,*"

Page 33, line 27, strike "*clause*" and insert "*paragraph*"

Page 34, line 6, after "a" insert "*governmental entity or*"

Page 34, line 8, strike "*clause*" and insert "*paragraph*"

Page 34, line 12, before "A" insert "*In addition to the authority granted by*

paragraph (d) of this subdivision, to the extent and on the terms and conditions the commissioner determines to be consistent with the purposes of this chapter,"

Page 34, line 14, delete "*only if, and to the extent and*" and insert a period

Page 34, delete lines 15 and 16

Page 35, line 36, after "*(a)*" insert "*or held in the name of the company*"

Page 36, line 18, after "*The*" insert "*market*"

Page 36, line 19, after "*time*" insert "*, excluding securities held in a separate account established pursuant to section 61A.14, subdivision 1,*"

Page 39, line 35, after "*cost*" insert "*to the company*"

Page 39, line 36, strike "*clause*" and insert "*paragraph*"

Page 40, line 6, strike "*clause*" and insert "*paragraph*"

Page 40, line 13, reinstate "*(b) acquire*"

Page 40, line 13, reinstate "*personal property in the United States*"

Page 40, reinstate lines 14 to 20

Page 40, line 21, reinstate "*or 40 years, whichever is less, and (3)*"

Page 40, line 29, reinstate "*in no event shall the total investment in*"

Page 40, line 30, reinstate "*personal property under this*" and after the stricken "*clause*" insert "*paragraph*"

Page 40, line 30, reinstate "*exceed three percent of the*"

Page 40, reinstate line 31

Page 40, line 32, delete "*(b)*" and insert "*(c)*"

Page 41, line 2, strike "*(c)*" and insert "*(d)*"

Page 41, line 2, strike "*clauses*" and insert "*paragraphs*"

Page 41, line 2, strike "*and (b)*" and insert "*to (c)*"

Page 41, line 13, delete "*clauses*" and insert "*paragraphs*"

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

Mr. Olhott from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 617: A resolution memorializing the President, Congress, and the United States Postal Service of Minnesota's opposition to the nine digit zip code.

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

Mr. Olhott from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 222: A bill for an act relating to families; designating an American

family day; proposing new law coded in Minnesota Statutes, Chapter 517.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Olhoft from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 171: A bill for an act relating to historic sites; changing the classification of the Kensington Runestone historic site; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision; repealing Minnesota Statutes 1980, Section 138.58, Subdivision 7.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S. F. No. 1226: A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

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

S. F. No. 1075: A bill for an act relating to agriculture; providing for continuation of certain farm tenancies on termination of life estates; proposing new law coded in Minnesota Statutes, Chapter 500.

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

Page 1, delete lines 13 to 24, and insert:

"Subd. 2. [CONTINUATION OF TENANCY.] Upon the death of a life tenant, a farm tenancy granted by the life tenant shall continue until the earlier of the following March 1, the completion of harvest, or the expiration of the lease by its terms. If a life tenant dies between November 1 and the following March 1, the farm tenancy shall continue for the following crop year and shall terminate on the earlier of the March 1 following that crop year, the completion of harvest, or the expiration of the lease by its terms. However, if the lease is binding upon the remainderman by specific commitment of the remainderman, the lease shall terminate as provided by that commitment.

Subd. 3. [RENTAL VALUE.] A remainderman"

Page 1, line 25, delete "succeeding a life estate"

Page 2, after line 6, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective for leases entered into after November 1, 1982."

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

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

S. F. No. 1211: A bill for an act relating to courts; permitting the use of

electronic recording equipment in certain court proceedings; amending Minnesota Statutes 1980, Sections 486.02; and 486.03; proposing new law coded in Minnesota Statutes, Chapter 484.

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

Page 1, line 13, after the comma, insert "*upon the court's own motion or*"

Page 1, line 15, delete "*or upon the court's own motion,*"

Page 1, line 20, delete "*shall have*" and insert "*has*"

Page 1, line 23, after "*other*" insert "*appropriate*"

Page 1, line 23, delete "*as the court deems appropriate*"

Page 2, lines 11, 19, 30, and 32, strike "*such*" and insert "*the*"

Page 2, line 12, strike "*in the exact language thereof,*"

Page 2, line 13, strike "*thereto precisely as*"

Page 2, line 14, before the period, insert "*in their exact language*"

Page 2, line 14, strike both commas

Page 2, line 15, strike "*thereof*" and insert "*for them*"

Page 2, line 16, strike "*thereon*" and insert "*on them*"

Page 2, line 17, strike "*so*"

Page 2, line 18, strike "*to do*"

Page 2, line 18, strike "*like*"

Page 2, line 20, strike "*the same*" and insert "*it*"

Page 2, line 25, after "*ended*" insert a comma

Page 2, line 27, delete "*, or tape recording,*"

Page 2, line 27, strike "*thereof*" and insert "*or tape recording of it*"

Page 2, line 28, strike "*shall so direct*" and insert "*directs*"

Page 2, line 28, strike "*; and,*" and insert a period

Page 2, line 29, strike "*therefor*"

Page 2, line 31, strike "*the same and for*"

Page 2, line 32, strike "*that purpose*" and insert "*it*."

Page 2, line 32, strike "*so*" and insert "*for as*"

Page 2, line 32, strike the second "*may*"

Page 2, line 33, strike "*be*"

Page 2, line 33, strike "*, when it shall be returned to the files*" and insert "*to prepare the transcript*"

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

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

S. F. No. 1292: A bill for an act relating to children; providing for reports of dependency, neglect, and abuse of children; allowing for courts to compel testimony under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivisions 7, 8, 10, and 11.

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

Page 1, lines 17 and 18, strike "such" and insert "the"

Page 1, lines 22 to 26, delete the new language

Page 1, line 26, strike "so"

Page 2, line 4, before "A" insert "However,"

Page 2, line 5, after "in" insert "civil"

Page 2, line 6, delete ", dependency,"

Page 2, line 7, delete "only"

Page 2, line 10, delete "good cause exists" and insert "to compel disclosure"

Page 2, line 13, delete "Disclosure shall"

Page 2, delete lines 14 and 15

Pages 2 and 3, delete sections 2 to 4

Page 4, line 1, delete "5" and insert "2"

Page 4, line 10, strike "such" and insert "the"

Page 4, lines 10 and 12, before "prosecuting" insert "investigating, petitioning, or"

Page 4, line 12, delete "or investigating"

Page 4, line 14, delete "investigation or"

Page 4, line 14, strike "litigation" and insert "investigation, petition, or prosecution"

Page 4, line 18, delete "15.17"

Page 4, line 18, strike ", and" and insert "15.1699."

Page 4, line 21, strike "only"

Page 4, line 23, after "sheriff" insert "only"

Page 4, line 24, delete the comma

Page 4, lines 28 to 36, reinstate the stricken language and delete the new language

Page 5, lines 1 to 7, reinstate the stricken language

Amend the title as follows:

Page 1, line 3, delete "dependency,"

Page 1, line 3, after "neglect" delete the comma

Page 1, line 4, delete "for"

Page 1, line 6, delete "Subdivisions 7, 8, 10,"

Page 1, line 7, delete "and" and insert "Subdivision"

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

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

H. F. No. 615: A bill for an act relating to corrections; providing for the transfer of convicted offenders under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 243.

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

Page 1, line 15, delete "initiate" and insert "implement"

Page 1, after line 16, insert:

"Sec. 2. [EFFECTIVE DATE.]

This act is effective the day after final enactment."

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

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

S. F. No. 613: A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

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

Page 2, line 17, delete "American"

Page 2, line 17, after "exists" insert "*in the United States*"

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

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

S. F. No. 733: A bill for an act relating to agriculture; regulating alien ownership of land; providing for permanent resident alien and loss of status; amending Minnesota Statutes 1980, Section 500.221.

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

Page 1, line 22, delete "or her"

Page 1, lines 23 and 24, delete the commas

Page 2, line 4, delete "after" and insert " , at some time during the month of"

Page 2, line 4, delete "1 and prior to January"

Page 2, line 5, delete "31"

Page 2, line 10, delete "unless he or she has" and insert " , but may

submit"

Page 2, line 11, delete "*submitted*"

Page 2, line 14, after "*to*" insert "*review the statement and*"

Page 2, line 17, delete "*Minnesota*"

Page 2, line 26, strike "*and,*" and insert a period

Page 2, line 35, after "*apply*" insert a colon, and before "*to*" insert:

"(1)"

Page 3, line 4, strike "*; provided, that*" and insert a period

Page 3, line 4, strike "*so*"

Page 3, line 7, strike everything after "*ownership*"

Page 3, line 8, strike "*apply*" and insert a semicolon, and before "*to*" insert:

"(2)"

Page 3, line 9, strike "*or*" and insert a semicolon, and before "*lands*" insert:

"(3) *to*"

Page 3, line 11, strike "*, or*" and insert a semicolon, and before "*lands*" insert:

"(4) *to*"

Page 3, line 13, strike "*provided, however, that*" and insert a period

Page 3, line 17, strike everything after "*corporation*"

Page 3, line 18, strike "*apply*" and insert "*; and*"

(5)"

Page 3, line 19, strike "*, provided that*" and insert "*if*"

Page 3, line 20, strike "*shall be*" and insert "*is*"

Page 3, line 21, strike the comma

Page 3, line 21, strike "*provided that*" and insert "*the*"

Page 3, line 34, delete "*shall*"

Page 4, line 2, delete "*any*"

Page 4, line 2, delete "*as may*"

Page 4, line 3, delete "*be*"

Page 4, line 21, delete "*hold a meeting*" and insert "*meet with the landowner*"

Page 4, line 22, delete "*to allow all parties the*"

Page 4, line 23, delete "*opportunity*"

Page 4, line 26, before "*Any*" insert "*The landowner and*"

Page 4, line 26, delete "*party*" and insert "*person*"

Page 4, line 26, delete "*or*"

Page 4, line 27, delete "*participating in the meeting shall be entitled to*" and insert "*may*"

Page 4, line 29, delete "*shall*" and insert "*do*"

Page 4, delete lines 31 to 33

Page 4, line 36, strike "*subdivision 2*" and insert "*this section*"

Page 5, line 30, before "*The*" insert "*Subd. 3a. [AGREEMENT.]*"

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 391: A bill for an act relating to labor; defining a professional strikebreaker to include certain salaried employees; amending Minnesota Statutes 1980, Section 179.01, Subdivision 16.

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

Delete everything after the enacting clause and insert:

"Section 1. [179.122] [EMPLOYER UTILIZING REPLACEMENTS DURING LABOR DISPUTE; FILING OF INFORMATION.]

Subdivision 1. [SECRETARY OF STATE, FILING.] An employer who utilizes any person to replace an employee or employees involved in a strike or lockout at a place of business located within this state shall file with the secretary of state the following information:

(a) The name and address of the employer;

(b) The name and date of birth of the person so utilized; and

(c) The date on which the person was first so utilized.

Subd. 2. [TIME OF FILING.] The filing shall be accomplished within three days of the date on which the employer first utilized the person as a replacement. The filing shall be deemed timely upon mailing by the employer of the required information to the secretary of state.

Subd. 3. [PUBLIC RECORD.] The information filed pursuant to this section shall be kept as a public record by the secretary of state for a period of at least five years from the date of filing.

Subd. 4. [NOTICE TO REPLACEMENT.] No employer shall utilize any person as a replacement unless the employer first informs the person of the provisions of this section.

Subd. 5. [PENALTY.] Any person or corporation violating any of the provisions of this section shall be guilty of a misdemeanor."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3 and insert "replacements for persons involved in strikes or lockouts; requiring filing of information with the secretary of state; requiring notice to replacements; providing a penalty;"

Page 1, line 4, delete "amending" and insert "proposing new law coded in"

Page 1, line 4, delete "1980" and after the comma delete "Section 179.01," and insert "Chapter 179."

Page 1, delete line 5

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

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

S. F. No. 941: A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 2; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 15.1695, Subdivision 1, is amended to read:

Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:

(a) Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private; and

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct or *intrafamilial sexual abuse* shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Sec. 2. Minnesota Statutes 1980, Section 595.02, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as follows:

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed

by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the course of professional duty; nor can any employee of ~~such~~ the attorney be examined as to ~~such~~ the communication or advice, without the client's consent;

(3) A clergyman or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to him in his professional character, in the course of discipline enjoined by the rules or practice of the religious body to which he belongs; nor shall a clergyman or other minister of any religion be examined as to any communication made to him by any person seeking religious or spiritual advice, aid, or comfort or his advice given thereon in the course of his professional character, without the consent of ~~such~~ the person;

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of ~~such~~ the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of ~~such~~ the deceased person for the purpose of waiving ~~the this~~ privilege ~~hereinbefore created~~, and no oral or written waiver of the privilege ~~hereinbefore created~~ shall have any binding force or effect except ~~that the same be~~ when made upon the trial or examination where the evidence is offered or received;

(5) A public officer shall not be allowed to disclose communications made to him in official confidence when the public interest would suffer by the disclosure;

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 6, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

(7) A registered nurse, psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 3. Minnesota Statutes 1980, Section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. If a person is convicted of a second or subsequent offense

under sections 609.342 to 609.346 or sections 6 to 10 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 or sections 6 to 10 or under any similar statute of the United States, or this or any other state.

Sec. 4. Minnesota Statutes 1980, Section 609.348, is amended to read:

609.348 [MEDICAL PURPOSES; EXCLUSION.]

Laws 1975, Chapter 374, and sections 6 to 10 shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 5. Minnesota Statutes 1980, Section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct or *intrafamilial sexual abuse, as defined in section 6, subdivision 10*, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of ~~such~~ the examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 6. [609.364] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 2 and 6 to 10, the terms in this section have the meanings given them.

Subd. 2. [ACTOR.] "Actor" means an adult accused of intrafamilial sexual abuse.

Subd. 3. [CHILD.] "Child" means a person under age 16.

Subd. 4. [COERCION.] "Coercion" means a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another.

Subd. 5. [COMPLAINANT.] "Complainant" means a child or minor alleging to have been subjected to intrafamilial sexual abuse, but need not be the person who signs the complaint.

Subd. 6. [CONSENT.] "Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 7. [FORCE.] "Force" means the infliction, attempted infliction, or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat.

Subd. 8. [INTIMATE PARTS.] "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 9. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:

(a) The complainant's parent, stepparent, or guardian;

(b) Nearer of kin to the complainant than first cousin, computed by rules of the civil law, whether of the half or the whole blood;

(c) Any of the following persons related to the complainant by marriage or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(d) An adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Subd. 10. [INTRAFAMILIAL SEXUAL ABUSE.] "Intrafamilial sexual abuse" means sexual contact or sexual penetration, or both, of a child or minor when the actor has a familial relationship to the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 11. [MINOR.] "Minor" means a person under age 18 but age 16 or over.

Subd. 12. [PERSONAL INJURY.] "Personal injury" means bodily harm as defined in section 609.02, subdivision 7, or severe mental anguish, or pregnancy.

Subd. 13. [SEXUAL CONTACT.] "Sexual contact" includes any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses:

(a) The intentional touching by the actor of the complainant's intimate parts;

(b) The touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(c) The touching by another of the complainant's intimate parts; or

(d) In any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

Subd. 14. [SEXUAL PENETRATION.] "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose. Emission of semen is not necessary.

Sec. 7. [609.3641] [INTRAFAMILIAL SEXUAL ABUSE IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the first degree if:

(1) He has a familial relationship to and engages in sexual penetration with a child; or

(2) *He has a familial relationship to and engages in sexual penetration with a child and:*

(a) *the actor or an accomplice used force or coercion to accomplish the penetration;*

(b) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;*

(c) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(d) *the complainant suffered personal injury; or*

(e) *the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 20 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 20 years.*

Sec. 8. [609.3642] [INTRAFAMILIAL SEXUAL ABUSE IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] *A person is guilty of intrafamilial sexual abuse in the second degree if:*

(1) *He has a familial relationship to and engages in sexual contact with a child; or*

(2) *He has a familial relationship to and engages in sexual contact with a child and:*

(a) *the actor or an accomplice used force or coercion to accomplish the contact;*

(b) *the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the dangerous weapon;*

(c) *circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;*

(d) *the complainant suffered personal injury; or*

(e) *the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] *A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than 15 years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the*

complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than 15 years.

Sec. 9. [609.3643] [INTRAFAMILIAL SEXUAL ABUSE IN THE THIRD DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the third degree if:

(1) He has a familial relationship to and engages in sexual penetration with a minor; or

(2) He has a familial relationship to and engages in sexual penetration with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the penetration;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than ten years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than ten years.

Sec. 10. [609.3644] [INTRAFAMILIAL SEXUAL ABUSE IN THE FOURTH DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of intrafamilial sexual abuse in the fourth degree if:

(1) He has a familial relationship to and engages in sexual contact with a minor; or

(2) He has a familial relationship to and engages in sexual contact with a minor and:

(a) the actor or an accomplice used force or coercion to accomplish the contact;

(b) the actor or accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

(c) circumstances existed at the time of the act to cause the complainant to

have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the complainant suffered personal injury; or

(e) the intrafamilial sexual abuse involved multiple acts committed over an extended period of time.

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than five years. Except when imprisonment is required by section 609.346, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit. A person convicted under subdivision 1, clause (2), may be sentenced to imprisonment for not more than five years.

Sec. 11. Minnesota Statutes 1980, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 6 to 10. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day following final enactment and apply to any act that occurs on or after that date."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to crimes; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 15.1695, Subdivision 1; 595.02;

609.346; 609.348; 609.35; and 626.556, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 609."

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

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

H. F. No. 356: A bill for an act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 609.52, Subdivision 1, is amended to read:

609.52 [THEFT.]

Subdivision 1. [DEFINITIONS.] In this section:

(1) "Property" means all forms of tangible *or intangible* property, ~~whether real or personal including~~, without limitation ~~including~~, *information*, documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, ~~and~~ heat supplied by pipe or conduit by municipalities or public utility companies, *computer software, computer services*, and articles, as defined in clause (4), representing trade secrets, which articles shall be deemed for the purposes of Extra Session Laws 1967, Chapter 15 to include any trade secret represented by ~~such~~ the article.

(2) "Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft, or in the case of a theft or the making of a copy of an article representing a trade secret, *computer software, or computer services* where the retail market value or replacement cost cannot be ascertained, any reasonable value representing the damage ~~to which~~ the owner ~~which he has suffered by reason of losing an advantage over those who do not know of or use the trade secret~~. For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.

(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, micro-organism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means the whole or any portion of any formula, pattern,

device or compilation of any scientific or technical information which is secret, is of value and has not been published or otherwise become a matter of general public knowledge; and an article representing a trade secret shall be presumed to be secret and not to have been published or otherwise become a matter of general public knowledge when the owner marks it as a trade secret and takes measures to preserve its secrecy and to prevent it from becoming available to persons other than those selected by the owner to have controlled access thereto for purposes of the owner's business.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article or tangible or intangible property, and any note, drawing or sketch made of or from an article while in the presence of such article or tangible or intangible property.

(8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, set-off, or counterclaim.

(9) "Computer software" includes computer programs, procedures, and associated documentation concerned with the operation of a computer system.

(10) "Computer services" include, but are not limited to, computer time, data processing, and storage functions.

Sec. 2. Minnesota Statutes 1980, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing

goods on credit; or

(d) The preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental

agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration; or

(11) With the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107; or

(13) Directly or indirectly gains access, causes access to be gained, or attempts to gain access to any computer, computer system, computer network, or any part thereof with the intent to obtain property, or services, for himself or another, by unauthorized means or by false or fraudulent pretenses, representations or promises.

Sec. 3. Minnesota Statutes 1980, Section 609.595, Subdivision 1, is amended to read:

Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to ~~physical~~ property of another, as defined in section 609.52, subdivision 1, without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$300 measured by the cost of repair or replacement, whichever is less.

In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six month period may be

aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph."

Amend the title as follows:

Page 1, line 3, delete "proposing new law" and insert "specifying the crime of theft of information; amending Minnesota Statutes 1980, Sections 609.52, Subdivisions 1 and 2; and 609.595, Subdivision 1."

Page 1, delete line 4

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

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

S. F. No. 1335: A bill for an act relating to courts; changing the compensation of Hennepin County conciliation court referees; amending Minnesota Statutes 1980, Section 488A.13, Subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1980, Section 488A.08, Subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] Misdemeanor violation bureaus shall be established at Minneapolis, Bloomington, ~~St. Louis Park, Wayzata, and Crystal~~ and at such additional places as a majority of the judges of the court may establish consistent with Rule 23 of the rules of criminal procedure and at any other northern and western suburban locations dispersed throughout the county as may be designated by a majority of the judges of the court."

Page 1, line 8, delete "Section 1" and insert "Sec. 2"

Page 1, line 13, strike the first "such" and insert "the"

Page 1, line 13, strike "in such"

Page 1, line 14, strike "the judges may" and insert "they"

Page 1, line 14, strike "so"

Page 1, line 17, strike "any" and insert "all"

Page 1, line 18, strike "whatever the grounds may be"

Page 1, line 18, strike "shall"

Page 1, line 19, strike ", but" and insert ". However,"

Page 1, line 20, strike "such" in both places where it occurs

Page 2, line 4, before "per" insert "an amount"

Page 2, line 4, after "day" delete "an amount"

Page 2, line 5, strike everything after the period

Page 2, strike lines 6 and 7

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the establishment of misdemeanor violation bureaus for Hennepin county;"

Page 1, line 4, delete "Section" and insert "Sections 488A.08, Subdivision 1; and"

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

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

H. F. No. 14: A bill for an act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4a. [EXCEPTIONS; SAME OWNERSHIP.] The notice required by this section shall not be required to be given where the property is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate.

Sec. 2. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4b. [EXCEPTIONS; MULTIPLE DWELLING.] The notice required by this section shall not be required to be given in connection with an improvement to real property consisting of or providing more than four family units when the improvement is wholly residential in character.

Sec. 3. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4c. [EXCEPTIONS; NONAGRICULTURAL AND NONRESIDENTIAL REAL ESTATE.] The notice required by this section shall not be required to be given in connection with an improvement to real property which is not in agricultural use and which is wholly or partially nonresidential in use if the work or improvement:

(a) is to provide or add more than 5,000 total usable square feet of floor space; or

(b) is an improvement to real property where the existing property contains more than 5,000 total usable square feet of floor space; or

(c) is an improvement to real property which contains more than 5,000 square feet and does not involve the construction of a new building or an addition to or the improvement of an existing building.

For the purposes of this subdivision, "agricultural use" shall have the meaning given to it in section 473H.02, subdivision 3.

For the purposes of clause (c), improvements include, but are not limited to, clearing, excavating, grading, filling in, landscaping, well digging, drilling or repairing, paving, surfacing or striping parking lots, digging or repairing a ditch, drain, or reservoir.

Sec. 4. [REPEALER.]

Minnesota Statutes 1980, Section 514.011, Subdivision 4, is repealed."

Amend the title as follows:

Page 1, line 5, after the comma, insert "by adding subdivisions; repealing Minnesota Statutes 1980, Section 514.011,"

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

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

H. F. No. 276: A bill for an act relating to juveniles; prescribing the elements of a prima facie case for referring a child to adult court for criminal prosecution; amending Minnesota Statutes 1980, Section 260.125, Subdivision 3.

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

Page 1, line 23, after "offense" strike "committed"

Page 1, line 23, strike the comma

Page 1, line 24, strike "offense"

Page 2, line 7, strike "which offense were committed"

Page 2, line 7, strike "and"

Page 2, line 15, strike "of which offenses"

Page 2, line 16, strike "were committed"

Page 2, line 16, strike "which offenses"

Page 2, line 17, strike "were committed"

Page 2, line 17, strike "and"

Page 2, line 17, strike "offenses"

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

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

S. F. No. 118: A bill for an act relating to crimes; prohibiting the furnishing of tobacco related devices to minors; prohibiting minors from using tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

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

Page 1, delete lines 11 to 27 and insert:

"609.685 [USE SALE OF TOBACCO BY TO CHILDREN.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "tobacco related devices" means cigarette papers or pipes for smoking."

Page 2, delete lines 1 to 4

Page 2, line 5, after "2." insert "[CRIME.]"

Page 2, line 5, strike "does any of the following may be"

Page 2, lines 6 to 9, strike the existing language and delete the new language

Page 2, line 10, strike "(2)"

Page 2, line 10, strike "in any"

Page 2, line 11, strike everything before the period and insert "to a person under the age of 18 years is guilty of a misdemeanor"

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

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

H. F. No. 2: A bill for an act relating to crimes; establishing mandatory minimum terms of imprisonment for use of a dangerous weapon or possession of a firearm; increasing the penalty for intentional and unintentional homicides committed while committing certain felonies; amending Minnesota Statutes 1980, Sections 609.11, Subdivision 1, and by adding subdivisions; 609.135, Subdivision 1; 609.185; 609.19; 609.195; 609.20; repealing Minnesota Statutes 1980, Section 609.11, Subdivision 3.

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

Page 2, line 16, delete "subdivisions" and insert "a subdivision"

Page 2, lines 18, 26 and 33, delete "wherein" and insert "in which"

Page 2, after line 31, insert:

"Sec. 3. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, lines 3 and 29, delete "wherein" and insert "in which"

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 13, after "609.12" delete the comma and insert "and"

Page 3, line 13, delete ", and any"

Page 3, line 14, delete "other law to the contrary"

Page 3, after line 14, insert:

"Sec. 5. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 25, delete "sentencing" and insert "a verdict or finding of guilt at trial or the entry of a plea of guilty"

Page 3, line 27, delete "also"

Page 3, after line 31, insert:

"Sec. 6. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:

Subd. 8. [MOTION BY PROSECUTOR.] Prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum terms of imprisonment established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion and if it finds good cause exists, the court shall sentence the defendant without regard to the mandatory minimum terms of imprisonment established by this section.

Sec. 7. Minnesota Statutes 1980, Section 609.11, is amended by adding a subdivision to read:"

Page 3, line 32, delete "8" and insert "9"

Page 4, line 13, strike everything after "court"

Page 4, line 14, strike "authorized by law,"

Page 4, lines 16, 29 and 34, strike "such" and insert "the"

Page 4, line 16, strike "as"

Page 4, line 16, strike "may prescribe" and insert "prescribes"

Page 4, line 36, delete "such" and insert "the"

Page 5, line 6, delete the first "such" and insert "that"

Page 5, line 6, delete the second "such" and insert "the"

Page 5, line 16, strike "such" and insert "that"

Page 5, line 21, after "offense" insert "with force or violence"

Page 5, line 22, delete "with force or violence"

Page 5, line 29, delete "regardless of" and insert "without regard for"

Page 6, line 27, delete "9" and insert "13"

Renumber the sections in sequence

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 was referred

H. F. No. 886 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.
886	1277				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 886 be amended as follows:

Page 2, line 17, after the semicolon insert "or"

Page 2, line 24, delete “; or”

Page 2, delete lines 25 to 32

Page 2, line 33, delete everything before the period

Page 3, line 16, delete “yet”

Page 3, line 30, delete “neither been” and insert “been neither”

Page 4, delete lines 15 to 21 and insert:

“Sec. 4. [EFFECTIVE DATE.]

This act is effective August 1, 1981, and shall apply to all leases commenced, renewed, or extended on or after that date. It shall also apply to all leases of a term of one year or more commenced, renewed, or entered into prior to August 1, 1981, which are still in effect on that date.”

Amend the title as follows:

Page 1, line 2, after the semicolon insert “regulating lot rentals;”

Page 1, line 4, delete “requiring disclosure;”

Page 1, delete line 5

Page 1, line 6, delete everything before “amending”

And when so amended H. F. No. 886 will be identical to S. F. No. 1277, and further recommends that H. F. No. 886 be given its second reading and substituted for S. F. No. 1277, 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. 932 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.
932	687				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 932 be amended as follows:

Page 11, line 28, reinstate the stricken comma

Page 11, line 29, reinstate the stricken “(2)”

Page 63, line 10, after “1954” delete the comma

Page 64, line 13, after “1954” delete the comma

Page 96, line 8, after “1954” delete the comma

Page 96, line 33, after “and” insert “subdivision”, restore “8” and delete new language

Page 96, line 34, delete new language

Page 97, line 19, after "1954" delete the comma

Page 121, line 34, delete the new language and after "2" insert "~~and does report such change or files a copy of such amended return within 90 days~~" and after the comma insert "~~as required by subdivision 2,~~"

Page 135, line 35, delete "124.213," reinstate the stricken "273.132" and after "~~and~~" insert a comma

Page 139, line 17, after "4," insert "~~and~~"

And when so amended H. F. No. 932 will be identical to S. F. No. 687, and further recommends that H. F. No. 932 be given its second reading and substituted for S. F. No. 687, 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. Willet from the Committee on Finance, to which was referred

H. F. No. 326: A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivisions 2 and 3; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

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

Page 1, line 22, strike "or" and insert "*plus*"

Page 1, after line 22, insert:

"(c) 10 percent of the following amount: the person's current total cash or liquid assets, minus the applicable cash or liquid asset amount allowed for medical assistance recipients under section 256B.06, subdivision 1, clause (8); or"

Page 1, line 24, strike "20" and insert "25"

Page 1, after line 25, insert:

"The following assets shall be disregarded in determining eligibility under this subdivision: one homestead, as defined in section 290A.03, subdivision 6, for a homestead in a city or town or the dwelling and adjoining land not exceeding 80 acres in unplatted land; all necessary vehicles; all household goods and furniture used in the home; all wearing apparel; and a lot in a burial plot. A business or real estate not used as a home shall not be disregarded unless it produces net income applicable to the person's needs."

Page 2, after line 7 insert:

""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."

Page 2, line 33, strike "20" and insert "25"

Page 3, after line 5, insert:

"Sec. 5. [62E.5305] [PROPERTY TRANSFERS.]

Any person who has transferred any real or personal property within one year immediately preceding the date of application for assistance under sections 62E.51 to 62E.55 or who transfers any such property while receiving assistance under sections 62E.51 to 62E.55 without receiving a reasonable consideration for it shall be presumed to have done so in order to become or remain eligible for assistance under sections 62E.51 to 62E.55 or to have deprived himself or his spouse of a resource that otherwise might have been used to meet his or their current needs. The person has the burden of overcoming the presumption to the satisfaction of the county agency."

Page 3, after line 18, insert:

"Sec. 7. 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 into or out of the 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.

Sec. 8. Minnesota Statutes 1980, Section 256.98, is amended to read:

256.98 [WRONGFULLY OBTAINING ASSISTANCE; THEFT.]

A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which he is not entitled or assistance greater than that to which he is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance without the consent of the local agency with intent to defeat the purposes of sections 62E.51 to 62E.55, 256.12, 256.72 to 256.872, chapter 256B, is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5). The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts. The amount of any assistance determined to have been incorrectly paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each. Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863. To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action."

Page 3, line 22, delete "5" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before the period insert “; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, Chapter 62E”

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

Mr. Knoll from the Committee on Governmental Operations, to which was referred

S. F. No. 1350: A bill for an act relating to state departments; creating a department of state and community resources; transferring all the functions of the state planning agency, energy agency, and department of economic development, and the staff of the crime control planning board, to the department of state and community resources; abolishing the state planning agency, energy agency, and department of economic development; amending Minnesota Statutes 1980, Sections 3.922, Subdivision 1; 4.10; 4.11, Subdivisions 4 and 5; 4.12; 4.125; 4.13; 4.17; 4.18, Subdivision 2; 4.191; 4.26; 4.27; 4.29; 4.35; 4.36, Subdivisions 2, 3, 4, and 5; 15.01; 15.057; 15.50, Subdivision 2; 15A.081, Subdivision 1; 16.014, Subdivision 1; 16.084; 16.086, Subdivisions 1 and 2; 16.125, Subdivision 2; 16.756, Subdivision 1; 18.023, Subdivision 11; 18.024, Subdivision 1; 43.09, Subdivision 2a; 84.028, Subdivision 2; 84.54; 85.016; 85.017; 86.72, Subdivision 3; 86A.06; 86A.09, Subdivisions 1, 2, 3, and 4; 92.35; 92.36; 92.37; 104.03, Subdivision 1; 104.35, Subdivisions 2 and 3; 105.484; 105.485, Subdivision 3; 114A.03, Subdivision 1; 115A.07, Subdivision 1; 115A.12, Subdivision 2; 115A.15, Subdivision 5; 116C.03, Subdivisions 2, 3, and 4; 116H.05; 116H.06; 116H.07; 116H.08; 116H.085; 116H.087; 116H.088, Subdivision 1; 116H.089; 116H.09, Subdivisions 1, 4, and 5; 116H.10; 116H.11; 116H.12, Subdivisions 1, 1b, 2, 4, 5, 6, and 9; 116H.121, Subdivisions 1 and 2; 116H.122; 116H.123; 116H.124; 116H.126; 116H.127; 116H.128; 116H.129, Subdivisions 1, 4, 5, 6, and 8; 116H.13; 116H.14; 116H.15, Subdivision 2; 116H.17; 116H.18; 116H.19, Subdivision 1; 116H.23; 120.78, Subdivision 1; 124.225, Subdivision 4a; 126.111, Subdivision 2; 137.31, Subdivision 6; 138.93, Subdivision 4; 145.834; 145.835, Subdivision 1; 145.836, Subdivision 1; 145.837, Subdivision 1; 145.845; 145.912, Subdivision 15; 160.262, Subdivisions 1 and 3; 160.265, Subdivision 1; 174.03, Subdivision 7; 204.06, Subdivision 1b; 216B.241, Subdivision 2; 222.62; 222.65; 245.783, Subdivision 2; 268.014; 273.74, Subdivisions 2 and 5; 275.53, Subdivisions 1, 3, and 4; 290.06, Subdivision 14; 298.48, Subdivision 4; 299A.03, Subdivision 5; 299A.04; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 325F.19, Subdivision 3; 325F.19, Subdivision 6; 325F.20, Subdivision 1; 325F.21, Subdivision 2; 325F.23, Subdivision 1; 325F.24, Subdivision 3a; 362.12, Subdivision 1; 362.13; 362.132; 362.40, Subdivisions 8, 9, and 10; 362.41, Subdivision 5; 362.42; 362.51, Subdivisions 8 and 10; 362A.06; 402.045; 402.062, Subdivision 1; 402.095; 451.09, Subdivision 2; 462.375; 462.384, Subdivision 7; 462.385, Subdivisions 1 and 3; 462.386; 462.387; 462.39, Subdivisions 2 and 3; 462.391, Subdivisions 2, 3, and 4; 462.395; 462.396, Subdivision 1; 462.398; 462.421, Subdivision 21; 462A.05, Subdivision 15b;

473.204, Subdivision 2; 473.411, Subdivision 1; 473.857, Subdivision 2; 473H.06, Subdivision 5; 474.01, Subdivisions 6, 7, and 8; 641.24; proposing new law coded as Minnesota Statutes, Chapter 116J; repealing Minnesota Statutes 1980, Sections 4.11, Subdivisions 1, 2, 3, 6, 7, and 8; 4.15; 4.16; 16.014, Subdivision 3; 115A.08, Subdivisions 1, 2, and 3; 116H.001; 116H.02, Subdivisions 2 and 4; 116H.03; 116H.09, Subdivisions 2 and 3; 116H.12, Subdivision 3b; 126.52, Subdivision 12; 254A.06; 362.07; 362.08; 362.09; 362.10; 362.11; 362.12, Subdivisions 2 and 3; 362.121; 362.125; 362.15; 362.17; 362.18; 362.19; 362.23; 462.711; and 473.571, Subdivisions 2, 3, and 4.

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

Page 2, lines 28 and 29, delete "STATE AND COMMUNITY RESOURCES" and insert "PLANNING, ENERGY AND DEVELOPMENT"

Page 2, line 30, to page 125, line 5, delete the term "*state and community resources*" wherever it appears and insert "*planning, energy and development*"

Page 3, line 20, delete "5" and insert "4"

Page 3, line 30, delete "6" and insert "5"

Page 4, line 1, delete "7" and insert "6"

Page 4, line 8, delete "8" and insert "7"

Page 4, line 10, delete "*was undertaken*" and insert "*involved*" and after "*or*" insert "*was*"

Page 4, line 15, after "*it*" insert "*involved or*"

Page 4, line 16, delete "*undertaken or*"

Page 4, line 18, delete "9" and insert "8"

Page 4, line 32, delete "10" and insert "9"

Page 5, after line 14, insert:

"Sec. 4. [116J.04] [ENERGY POLICY DEVELOPMENT COUNCIL.]

A council of 15 members to act in an advisory capacity on energy policy development to the commissioner is created. Members shall be appointed by the governor, with the advice and consent of the senate, one from each congressional district and seven from the state at large. The council members shall broadly represent the scientific, technical, educational, business and labor fields and at least four members shall be from educational and scientific research institutions. The council shall develop recommendations on policy for energy issues and energy needs and shall advise the commissioner on the energy related functions of the department. The commissioner shall report to the legislature on the major energy policy recommendations of the council. The council shall organize and elect among its members such other officers as it may deem necessary. The council shall meet at the call of the chairman but not less than one time each month. The terms, compensation and removal of members shall be as provided by section 15.059.

Sec. 5. [299A.20] [POLICY.]

The legislature declares that efforts to control crime and improve the criminal justice system in this state must begin with comprehensive planning and improved coordination among federal, state and local criminal justice system agencies. This planning and coordinating effort must be responsive to the unique problems and resources that exist in the different development regions within the state. Only through the creation of a statewide network of local and regional crime control advisory councils can these efforts to control crime and improve the criminal justice system be implemented.

Sec. 6. [299A.21] [CRIME CONTROL PLANNING REGIONS.]

Each of the development regions authorized to be established by Minnesota Statutes, Section 462.385, and the territory defined by Laws 1967, Chapter 896, shall be designated crime control planning regions.

Sec. 7. [299A.22] [REGIONAL ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] Each crime control planning region shall have a regional crime control advisory council of not more than 25 members appointed by the regional development commission and, if applicable, the county board pursuant to subdivision 3. The metropolitan council shall be the regional crime control advisory council for the metropolitan area.

Subd. 2. [COOPERATIVE PLANNING.] Nothing in this subdivision shall be construed to prohibit joint and cooperative planning efforts between regions or between units of local government geographically located within the metropolitan area as defined by Minnesota Statutes, Section 473.121, Subdivision 2. Additionally, regional development commissions may contract with a non-profit agency for the purpose of performing the functions contained in section 6.

Subd. 3. [MEMBERS.] Members of the regional crime control advisory councils shall be appointed for a two year term but serve at the pleasure of the regional development commission. Metropolitan council members shall serve their terms as defined by Minnesota Statutes, Section 473.123, Subdivision 2. Each county geographically located within a regional development commission jurisdiction shall be represented by at least one member on the regional crime control advisory council appointed by the county board. The regional crime control advisory council shall organize itself and elect a chairperson.

Subd. 4. [ADMINISTRATIVE SERVICES.] Each regional development commission and the metropolitan council, or contracted agency, shall provide the regional crime control advisory council with office space, staff support, and administrative services.

Sec. 8. [299A.23] [PLANNING FUNCTIONS; REGIONAL AND LOCAL.]

Each regional advisory council shall:

(a) Develop and revise as necessary a comprehensive plan for the control of crime and the improvement of the criminal justice system in the region. This comprehensive criminal justice plan shall include:

(1) An analysis of data which indicates the current status and trends of crime and delinquency in the region;

(2) Data indicating the availability of public and private, paid and volun-

tary resources available for crime prevention control activities in the region;

(3) A statement of regional crime control and criminal justice system improvement goals, policies, priorities, and implementation strategies. The implementation strategies shall include proposed legislation, proposed technical assistance projects, proposed coordinating activities, and proposed guidelines for the allocation of federal, state, and local resources within the region.

(b) Serve as the regional clearinghouse for:

(1) Information on crime, crime trends, criminal justice research and evaluation results, methods for preventing and controlling crime and delinquency, technical assistance available from federal, state, and local agencies, crime control and prevention resources, criminal justice and juvenile justice legislation;

(2) Review and comment on federal and state grant applications for criminal justice projects affecting agencies and units of government in the region.

(c) Evaluate and report to the department of planning, energy and development the impact of proposed or existing criminal justice legislation on local governments and agencies and special populations in the region.

(d) Assist local governments and agencies in the development and implementation and evaluation of crime control and justice system improvement project activities.

(e) Coordinate and integrate where appropriate criminal and juvenile justice activities with the other planning and policy development activities performed by regional development commissions and the metropolitan council.

(f) Develop and implement public information programs to promote voluntary, coordinated crime and delinquency prevention and control activities by public and private agencies and community groups in the region.

(g) Assist local governments and agencies in the development and implementation of coordinated projects and activities that will increase the cost-effectiveness of crime control and justice system improvement efforts in the region.

(h) Administer block grants awarded pursuant to the federal crime control acts or other state or federal acts providing appropriations for crime control and justice system improvement, including federal funds allocated to local units of government.

Sec. 9. [299A.25] [EVALUATION.]

Prior to September 30, 1984, the regional crime control advisory councils, the department of planning, energy and development, and the legislative audit commission shall conduct an evaluation of the effectiveness of the statewide crime control planning process authorized and established by this act and report the results of the evaluation to the governor and the legislature prior to December 15, 1984."

Page 7, after line 18, insert:

"Sec. 14. Minnesota Statutes 1980, Section 4.11, Subdivision 8, is amended to read:

Subd. 8. Within the organization of the state ~~planning agency~~ department of

planning, energy and development, the position of state demographer shall be appointed by and serve under the supervision and control of the ~~director of planning commissioner~~. The state demographer shall be professionally competent in the field of demography and shall possess demonstrated ability, based upon experience and past performance."

Page 14, line 29, before "is" insert "*Subdivision 1,*"

Page 14, delete line 31

Page 45, line 19, before "a" insert "*and*"

Page 45, line 21, strike ", the chairman of the citizens advisory committee, and"

Page 45, strike lines 22 to 24

Page 45, line 25, strike everything before the period

Page 45, line 26, strike "Upon the expiration of the citizens advisory committee"

Page 45, line 27, strike "four" and insert "*five*"

Page 50, delete line 24

Page 52, delete lines 7 and 8

Page 57, delete line 11

Page 59, delete lines 12 and 13

Page 65, delete lines 32 and 33

Page 71, delete line 33

Page 77, delete line 35

Page 112, line 30, after "462.386" insert "*, Subdivision 1*"

Page 112, delete lines 32 and 33

Page 118, line 31, after "462A.05" insert a comma

Page 118, line 32, delete "15" and insert "15b"

Page 124, line 15, delete "7, and 8" and insert "*and 7*" and delete "*115A.08,*"

Page 124, line 16, delete "*Subdivisions 1, 2 and 3;*"

Page 124, line 19, delete "362.121; 362.125;"

Page 124, after line 25, insert:

"Sec. 189. [APPROPRIATION.]

Subdivision 1. There is appropriated from the general fund the sums indicated in this section for the fiscal year ending June 30 in the years designated for the following purposes.

Subd. 2. [REGIONAL CRIME CONTROL PLANNING; 1982.] For the regional crime control planning activities established pursuant to section 8, there is appropriated to the following regional development commissions the following amounts for fiscal year 1982.

Region 1	\$ 14,057
Region 2	14,057
Region 3	50,390
Region 4	37,966
Region D	50,390
Region E	54,692
Region 9	32,008
Region 10	34,370
Region 11	292,915

Subd. 3. [REGIONAL CRIME CONTROL PLANNING; 1983.] For the regional crime control planning activities established pursuant to section 8, there is appropriated to the following regional development commissions the following amounts for fiscal year 1983.

Region 1	\$ 13,364
Region 2	13,363
Region 3	48,339
Region 4	35,056
Region D	48,319
Region E	52,084
Region 9	31,067
Region 10	33,224
Region 11	279,131

Subd. 4. The appropriations in this section shall not be used for a purpose other than the purpose indicated.

Sec. 190. [REPEALER.]

Sections 5, 6, 7, 8, and 9 are repealed effective July 1, 1985."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 7, delete "state and community resources" and insert "planning, energy and development"

Page 1, line 9, after the semicolon insert "creating an advisory committee on energy policy development; appropriating money;"

Page 1, line 11, after the first "4" delete "and 5" and insert ", 5, and 8"

Page 1, line 12, after "4.26" insert ", Subdivision 1"

Page 1, line 24, delete "Subdivisions" and insert "Subdivisions"

Page 1, line 39, delete "204.06" and insert "204A.06"

Page 1, line 46 delete the second "Subdivision" and insert "Subdivisions" and before the last semicolon insert "and 6"

Page 2, line 1, delete "325F.19, Subdivision 6;"

Page 2, line 8, after "462.386" insert ", Subdivision 1"

Page 2, line 16, after "116J;" insert "proposing new law coded in Minnesota Statutes, Chapter 299A;"

Page 2, line 17, delete "7, and" and insert "and 7"

Page 2, line 18, delete "8" and delete "115A.08,"

Page 2, line 19, delete "Subdivisions 1, 2, and 3;"

Page 2, line 23, delete "362.121; 362.125;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 2.03, S.F. No. 1350 was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S. F. Nos. 1247, 764, 1212, 1265, 413, 1160, 665, 1087, 1226, 1075, 1211, 1292, 613, 733, 391, 941, 1335 and 118 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 817, 386, 462, 509, 121, 321, 222, 171, 615, 356, 14, 276, 2, 886, 932 and 326 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Lindgren moved that the name of Mr. Stern be added as co-author to S. F. No. 685. The motion prevailed.

Mr. Lindgren moved that the names of Messrs. Merriam and Rued be added as co-authors to S. F. No. 803. The motion prevailed.

Mr. Lindgren moved that the name of Mr. Dahl be added as co-author to S. F. No. 1312. The motion prevailed.

Mr. Bang moved that the name of Mr. Stern be added as co-author to S. F. No. 1362. The motion prevailed.

Mr. Stern introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution commemorating the victims of the Holocaust, honoring the survivors, and proclaiming the week of April 26 to May 3 as Minnesota Days of Holocaust Remembrance.

WHEREAS, within the lifetimes of nearly half of the current population of these United States, six million men, women, and children were murdered in the Nazi Holocaust because they happened to be Jews; and,

WHEREAS, millions of other innocent men, women and children were also brutally murdered by the machinery of the state; and,

WHEREAS, April 30, 1981 has been designated pursuant to Act of Congress, Public Law 96-388, as a Day of Remembrance of Victims of the Nazi Holocaust, known internationally as Yom Hashoah, for the six million and other millions; and;

WHEREAS, it is fitting for the legislature to remember them, honor the survivors and their liberators, and to rededicate itself to eternal vigilance against all tyranny and against those who would deny the principle of equal justice for all people; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that they join with the Governor of the State of Minnesota in proclaiming the week of April 26 through May 3, 1981 as the Minnesota Days of Holocaust Remembrance. The people of Minnesota are urged to reflect upon these past horrors to better recognize that bigotry gave them birth and is the womb of tyranny. The legislature and the Governor dedicate April 30, 1981, to a Holocaust Commemoration and resolve that the victims shall not die a second death in our reluctance to ponder and meditate upon the deeds done in those dark days.

BE IT FURTHER RESOLVED that copies of this resolution with the signature of the Governor be forwarded by the Secretary of State to the President of the United States, to the Minnesota Congressional delegation, to the Minnesota Senators, and to the United States Holocaust Memorial Council.

Mr. Stern moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Wegener moved that S. F. No. 145 be taken from the table. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Mr. Wegener moved that the vote whereby the Senate concurred in the House amendments to S. F. No. 145 be now reconsidered. The motion prevailed.

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S. F. No. 145, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

CALENDAR

H. F. No. 708: A bill for an act relating to public improvements; permitting deferral of special assessments in instances of hardship; amending Minnesota Statutes 1980, Section 435.193.

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	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	Ulland
Bertram	Hughes	Merriam	Ramstad	Vega
Brataas	Humphrey	Moe, D. M.	Renneke	Waldorf
Chmielewski	Johnson	Moe, R. D.	Rued	Wegener
Dahl	Keefe	Nelson	Schmitz	Willet
Davies	Knoll	Olhoft	Setzepfandt	
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 649: A bill for an act relating to probate; limiting benefits under life insurance policies payable to corporations to portion of shares not owned by person who killed decedent; establishing procedures for distribution of unpaid benefits; amending Minnesota Statutes 1980, Section 524.2-803.

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	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	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 830: A bill for an act relating to creditor's remedies; providing for an increase in the amount of household goods exemption; amending Minnesota Statutes 1980, Section 550.37, 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 58 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bertram	Peterson, C. C.	Setzepfandt	Wegener	Willet
Merriam				

So the bill passed and its title was agreed to.

S. F. No. 1104: A bill for an act relating to the public defender; establishing the board of public defense; transferring public defender responsibilities from the judicial council to the board of public defense; abolishing the judicial

council; amending Minnesota Statutes 1980, Sections 611.23; 611.24; 611.26, Subdivisions 1, 2, 3, 4, and 5; proposing new law coded in Minnesota Statutes, Chapter 611; repealing Minnesota Statutes 1980, Sections 480.053; 483.01; and 483.02.

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	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	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S. F. No. 98: A bill for an act relating to local government; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Section 414.01, 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 2, 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	Taylor
Berglin	Frederickson	Luther	Purfeerst	Ulland
Bernhagen	Hanson	Menning	Ramstad	Vega
Bertram	Hughes	Moe, D. M.	Renneke	Waldorf
Brataas	Humphrey	Moe, R. D.	Rued	Wegener
Chmielewski	Johnson	Nelson	Schmitz	Willet
Dahl	Keefe	Olhoft	Setzepfandt	
Davies	Knoll	Pehler	Sieloff	
Davis	Kroening	Penny	Sikorski	

Messrs. Merriam and Stumpf voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1002: A bill for an act relating to tax forfeited lands; sale of stumpage without bids; amending Minnesota Statutes 1980, Section 282.04, Subdivision 1.

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:

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	Ulland
Brataas	Humphrey	Moe, D. M.	Renneke	Vega
Chmielewski	Johnson	Moe, R. D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Kroening	Pehler	Sieloff	
Dicklich	Kronebusch	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 227: A bill for an act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

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 28, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Lessard	Peterson, C. C.	Stern
Belanger	Engler	Lindgren	Pillsbury	Vega
Benson	Frederickson	Menning	Renneke	Wegener
Berg	Hanson	Moe, R. D.	Rued	Willet
Bernhagen	Hughes	Nelson	Schmitz	
Bertram	Keefe	Olhoft	Setzepfandt	
Chmielewski	Langseth	Pehler	Sikorski	
Davies	Lantry	Penny	Solon	

Those who voted in the negative were:

Bang	Frank	Kronebusch	Petty	Stumpf
Berglin	Frederick	Luther	Purfeerst	Taylor
Brataas	Humphrey	Merriam	Ramstad	Ulland
Dahl	Johnson	Moe, D. M.	Sieloff	Waldorf
Dicklich	Knoll	Peterson, D. L.	Spear	
Dieterich	Kroening	Peterson, R. W.	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 1057: A bill for an act relating to the state fire marshal; deleting references to a dedicated fund and to archaic misdemeanor fines; prescribing procedures for the investigation of fires; repealing obsolete statutory requirements pertaining to flammable liquids, fire extinguishers, doors of buildings, and theaters; correcting an erroneous designation of responsibility concerning fire insurance premium returns; setting a penalty; amending Minnesota Statutes 1980, Sections 299F.011, Subdivision 1; 299F.08; 299F.09; 299F.19; 299F.20; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, Subdivision 1;

299F.29; 299F.31; 299F.36, Subdivision 2; 299F.391, Subdivision 1; and 299F.46, Subdivision 1; repealing Minnesota Statutes 1980, Sections 299F.011, Subdivision 2; 299F.27; 299G.10; 299H.01; 299H.02; and 299H.28, Subdivision 1.

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 2, 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	Lessard	Pillsbury	Stumpf
Berg	Frederick	Lindgren	Purfeerst	Taylor
Berglin	Frederickson	Luther	Ramstad	Tennessen
Bernhagen	Hanson	Menning	Renneke	Ulland
Bertram	Hughes	Moe, D. M.	Rued	Vega
Brataas	Humphrey	Moe, R. D.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Keefe	Olhoft	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	

Messrs. Merriam and Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 73: A bill for an act relating to economic development; regulating municipal industrial development; permitting certain industrial development projects within the metropolitan area; prohibiting moral obligation debt; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; 474.02, Subdivision 1b; 474.05; 474.06; and 474.08.

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	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	Keefe	Olhoft	Setzepfandt	Wegener
Davies	Knoll	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

So the bill passed and its title was agreed to.

S. F. No. 464: A bill for an act relating to commerce; providing for a lien on all personal property stored at certain storage facilities; defining terms; es-

tablishing a procedure for the enforcement of the liens; proposing new law coded in Minnesota Statutes, Chapter 514.

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 61 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Bang, Keefe, Pillsbury and Rued voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 470: A bill for an act relating to the collection and dissemination of data; classifying data; proposing classifications of data as private, confidential nonpublic and protected nonpublic; making certain changes in laws relating to the collection and dissemination of data; amending Minnesota Statutes 1980, Sections 15.1611, Subdivision 2; 15.162, Subdivisions 1a, 2a, 5a, 5b, 5c, and 8; 15.163, Subdivision 4; 15.1642, Subdivision 2a; 15.165, Subdivision 3; 15.1672; 15.1673; 15.1692, Subdivision 3, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1695, Subdivision 1; 15.1698, Subdivision 1; and 15.1699; providing for the recodification of Minnesota Statutes, Sections 15.1611 to 15.1699.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Penny, Purfeerst and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1154: A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 1237: A bill for an act relating to the city of Blaine; permitting all council members to serve on the housing and redevelopment authority.

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 2, 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	Frederick	Menning	Purfeerst	Taylor
Berglin	Frederickson	Merriam	Ramstad	Tennessen
Bernhagen	Hanson	Moe, D. M.	Renneke	Ulland
Bertram	Hughes	Moe, R. D.	Rued	Vega
Brataas	Humphrey	Nelson	Schmitz	Wegener
Chmielewski	Johnson	Olhoft	Setzepfandt	Willet
Dahl	Knutson	Pehler	Sieloff	
Davies	Kronebusch	Penny	Sikorski	
Davis	Langseth	Peterson, C. C.	Solon	

Messrs. Kroening and Waldorf voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 847: A bill for an act relating to highway traffic regulations; providing for the designation and undesignation of routes to carry certain gross weights; amending Minnesota Statutes 1980, Section 169.832, Subdivision

11; repealing Minnesota Statutes 1980, Section 169.832, Subdivision 12.

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 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, D. L.	Stern
Bang	Engler	Lessard	Peterson, R. W.	Stokowski
Belanger	Frank	Lindgren	Petty	Stumpf
Benson	Frederick	Luther	Pillsbury	Taylor
Berg	Frederickson	Menning	Purfeerst	Tennessee
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	Knutson	Olhoft	Setzepfandt	Willet
Dahl	Kroening	Pehler	Sieloff	
Davis	Kronebusch	Penny	Sikorski	
Dicklich	Langseth	Peterson, C. C.	Solon	

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 467: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1980, Section 168.012, Subdivision 1.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1259: A bill for an act relating to Independent School District No. 281, Robbinsdale; providing an alley system for at large election of school board members.

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:

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

Those who voted in the negative were:

Ashbach	Berg	Knutson	Peterson, D. L.	Rued
Bang	Bernhagen	Lindgren	Purfeerst	

So the bill passed and its title was agreed to.

S. F. No. 1343: A bill for an act relating to elections; providing for automatic recounts in certain judicial elections; amending Minnesota Statutes 1980, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1178: A bill for an act relating to the board of medical examiners; allowing temporary suspension of physicians' licenses without a hearing under certain conditions; amending Minnesota Statutes 1980, Section 147.021, 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	Kroening	Peterson, C. C.	Spear
Bang	Dieterich	Kronebusch	Peterson, D. L.	Stern
Belanger	Engler	Langseth	Peterson, R. W.	Stokowski
Benson	Frank	Lantry	Petty	Stumpf
Berg	Frederick	Lessard	Pillsbury	Taylor
Berglin	Frederickson	Lindgren	Purfeerst	Tennessee
Bernhagen	Hanson	Luther	Ramstad	Ulland
Bertram	Hughes	Menning	Renneke	Vega
Brataas	Humphrey	Moe, D. M.	Rued	Waldorf
Chmielewski	Johnson	Moe, R. D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Pehler	Sieloff	
Davis	Knutson	Penny	Solon	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1193: A bill for an act relating to the city of Crystal; providing for the designation of polling places in a certain precinct.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Belanger in the chair.

After some time spent therein, the committee arose, and Mr. Berg reported that the committee had considered the following:

S. F. Nos. 642, 460, 937, 1125, 536 and H. F. Nos. 574, 972, 937, 29, 157, 876, 480, 525, 415, 150, 731 and 969, which the committee recommends to pass.

S. F. No. 838, which the committee recommends be returned to the Committee on Judiciary.

S. F. No. 405, which the committee recommends be returned to the Committee on Employment.

S. F. No. 50, which the committee recommends be returned to the Committee on Employment.

S. F. No. 1164, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 1, line 16, after "is" insert "*one-third or more*"

The motion prevailed. So the amendment was adopted.

S. F. No. 657, which the committee recommends to pass with the following amendments offered by Messrs. Merriam and Luther:

Mr. Merriam moved to amend S. F. No. 657 as follows:

Page 2, line 18, after "for" insert "*civil*"

Page 7, line 9, after "for" insert "*civil*"

Page 13, line 26, after "for" insert "*civil*"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend S. F. No. 657 as follows:

Page 1, line 22, delete "\$1,200" and insert "\$1,500"

Page 2, line 24, delete "\$1,200" and insert "\$1,500"

Page 9, line 24, delete "\$1,200" and insert "\$1,500"

The motion prevailed. So the amendment was adopted.

S. F. No. 694, which the committee recommends to pass with the following amendment offered by Mr. Knutson:

Page 6, line 27, after the period, insert "*No person shall occupy a manufactured home which is not secured by an anchoring system which complies with the commissioner's rules.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 90, which the committee recommends to pass, subject to the following motion:

Mr. Penny moved that the amendment made to H. F. No. 90 by the Committee on Rules and Administration in the report adopted April 14, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 272, which the committee recommends to pass, subject to the following motion:

Mr. Penny moved that the amendment made to H. F. No. 272 by the Committee on Rules and Administration in the report adopted April 14, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 569, which the committee recommends to pass, subject to the following motion:

Ms. Berglin moved that the amendment made to H. F. No. 569 by the Committee on Rules and Administration in the report adopted April 20, 1981,

pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 13, which the committee recommends to pass, subject to the following motion:

Mr. Petty moved that the amendments made to H. F. No. 13 by the Committee on Judiciary adopted by the Senate March 23, 1981, be stricken. The motion prevailed. So the amendments were stricken.

H. F. No. 347, which the committee recommends to pass with the following amendment offered by Mr. Waldorf:

Page 1, after line 24, insert:

“Sec. 2. [APPLICABILITY OF SECTION 462A.18.]

In the application of the provisions of Minnesota Statutes 1980, Section 462A.18, Subdivision 2, to the housing programs financed by the issuance of bonds authorized by section 1 of this act, the duties of the state treasurer shall be performed by the comptroller-treasurer of the city of Minneapolis and the director of the Department of Finance and Management Services of the city of St. Paul.”

Remember the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert “; *Clarifying the application of Minnesota Statutes 1980, Section 462A.18, Subdivision 2*”

The motion prevailed. So the amendment was adopted.

On motion of Mr. Berg, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Menning, Bertram, Bernhagen, Chmielewski and Renneke introduced—

S.F. No. 1371: A bill for an act relating to public health; creating a physician's duty to make certain information available to women before performing the legalized killing of an unborn person; providing a criminal penalty; proposing new law coded in Minnesota Statutes, Chapter 145.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, C.C.; Lessard; Olhott; Penny and Bertram introduced—

S.F. No. 1372: A bill for an act relating to taxation; altering temporarily the unemployment compensation contribution computation for employers.

Referred to the Committee on Employment.

Messrs. Purfeerst; Peterson, C.C.; Berg and Wegener introduced—

S.F. No. 1373: A bill for an act relating to agriculture; regulating commerce in produce; providing penalties; amending Minnesota Statutes 1980, Sections

27.001; 27.01; 27.03; 27.04; 27.041; 27.06; 27.13; 27.14; 27.15; 27.19; 27.20; proposing new law coded in Minnesota Statutes, Chapter 27.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Dahl, Wegener, Chmielewski and Rued introduced—

S.F. No. 1374: A bill for an act relating to crimes; specifying the crime of theft of utility services; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Judiciary.

Mr. Johnson introduced—

S.F. No. 1375: A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1980, Sections 87.021, Subdivisions 2 and 3; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1980, Section 87.022.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Merriam, Benson, Ms. Berglin and Mr. Frederick introduced—

S.F. No. 1376: A bill for an act relating to taxation; income; providing that certain medical payments shall not be included in income in determining whether an individual is a dependent for purposes of the low income alternative tax or the personal credits; amending Minnesota Statutes 1980, Section 290.06, Subdivisions 3d, and 3f.

Referred to the Committee on Taxes and Tax Laws.

Mmes. Brataas, Lantry, Messrs. Stern, Ulland and Solon introduced—

S.F. No. 1377: A bill for an act relating to health; encouraging philanthropic support of hospitals; providing that funds derived from specified types of gifts or grants shall not be deducted from the operating costs of a hospital; proposing new law coded in Minnesota Statutes, Chapter 144.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ashbach and Frederick introduced—

S.F. No. 1378: A bill for an act relating to taxation; crime; providing that losses of resident individuals occurring outside the state shall not be reduced by certain tax preference items; amending Minnesota Statutes 1980, Section 290.17, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 28, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate