

## FORTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, May 6, 1981

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

Prayer was offered by the Chaplain, Rev. Robert Babbitt.

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	Setzepfand	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. Solon was excused from the Session of today from 2:30 to 3:15 p.m.  
Mr. Willet was excused from the Session of today from 2:30 to 4:00 p.m.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 4, 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
	339	77	May 4	May 4
	480	78	May 4	May 4
	569	79	May 4	May 4
	708	80	May 4	May 4
	847	81	May 4	May 4
	876	82	May 4	May 4
	1178	83	May 4	May 4
	1237	84	May 4	May 4
	1269	85	May 4	May 4
200		86	May 4	May 4
225		87	May 4	May 4
249		88	May 4	May 4
353		89	May 4	May 4
372		90	May 4	May 4
375		91	May 4	May 4
520		92	May 4	May 4
741		93	May 4	May 4
760		94	May 4	May 4

Sincerely,

Joan Anderson Growe  
Secretary of State

### CERTIFICATION

May 4, 1981

To the Senate  
State of Minnesota

To the House of Representatives  
State of Minnesota

This is to certify that the House of Representatives and the Senate in Joint Convention on Monday, May 4, 1981, have elected as members of the Board of Regents of the University of Minnesota the following members each to hold his or her respective office for the term specified from the first Monday of February, 1981:

Willis K. Drake, Third Congressional District, six years

Verne E. Long, Sixth Congressional District, six years

Erwin L. Goldfine, Eighth Congressional District, six years

David K. Roe, At-Large, six years.

Jack Davies  
President of the Senate

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

April 13, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

Anne Ehrhardt, RR# 2, Box 90, Albert Lea, Freeborn County, has been appointed by me, effective April 13, 1981, for a term expiring the first Monday in January, 1983.

Patricia Lund, 4814 Lakeview Drive, Edina, Hennepin County, has been appointed by me, effective April 13, 1981, for a term expiring the first Monday in January, 1985.

Jean Mars, 2520 East Third Street, Duluth, St. Louis County, has been appointed by me, effective April 13, 1981, for a term expiring the first Monday in January, 1985.

Leonard Nadasdy, 5515 Lake Sarah Heights Drive, Loretto, Hennepin County, has been appointed by me, effective April 13, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on General Legislation and Administrative Rules.)

April 24, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Water Resources Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Ronald Stevens, Route 2, Box 200, Montevideo, Chippewa County, has been appointed by me, effective April 24, 1981, for a term expiring the first Monday in January, 1985.

(Referred to the Committee on Agriculture and Natural Resources.)

March 26, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following appointments to the Board on Judicial Standards are hereby respectfully submitted to the Senate for confirmation as required by law:

John Allers, 7501 2nd Avenue South, Richfield, Hennepin County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1983.

Hy Applebaum, 290 Woodlawn Avenue, St. Paul, Ramsey County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1984.

Gene W. Halverson, 700 Providence Building, Duluth, St. Louis County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Judiciary.)

March 26, 1981

The Honorable Jack Davies  
President of the Senate

Dear Sir:

The following are appointed to the Board on Judicial Standards:

Judge Gerald Kalina, Dakota County Government Center, Hastings, Dakota County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1982.

Judge Robert F. Johnson, 2283 East Fifteenth Avenue, North St. Paul, Ramsey County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1983.

Judge Glenn E. Kelley, Box 37, Winona, Winona County, has been appointed by me, effective June 9, 1980, for a term expiring the first Monday in January, 1984.

Sincerely,

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. 1122 and 641.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 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. 445: A bill for an act relating to courts; providing service periods on Hennepin and Ramsey County district courts, juvenile divisions or family division; authorizing appointment of district court judges to hear cases arising under the juvenile court or family court act for terms up to four years; amending Minnesota Statutes 1980, Sections 260.019, Subdivision 3; 484.64, Subdivision 1; and 484.65, Subdivisions 1 and 6.

Senate File No. 445 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1981

Mr. Tennessen moved that the Senate do not concur in the amendments by the House to S. F. No. 445, 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.

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. 560: A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

Senate File No. 560 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1981

Mr. Stumpf, for Mr. Hughes, moved that S. F. No. 560 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. 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; amending Minnesota Statutes 1980, Section 62E.02, Subdivision 5; proposing new law coded in Minnesota Statutes, Chapter 62A.

Senate File No. 665 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1981

Mr. Penny moved that the Senate do not concur in the amendments by the House to S. F. No. 665, 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.

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. 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.

Senate File No. 1247 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1981

Mr. Willet moved that S. F. No. 1247 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 534, 586, 1185, 616 and 1247.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1981

### FIRST READING OF HOUSE BILLS

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

H. F. No. 534: A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

Referred to the Committee on Judiciary.

H. F. No. 586: A bill for an act relating to crimes; authorizing courts to order certain persons to participate in counseling in domestic abuse cases; creating the crime of intrafamilial sexual abuse; amending Minnesota Statutes 1980, Sections 518B.01, Subdivision 6; 595.02; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 941, now on General Orders.

H. F. No. 1185: A bill for an act relating to highways; modifying restrictions on the loading of vehicles driven on the highways; amending Minnesota Statutes 1980, Section 169.81, Subdivision 5.

Referred to the Committee on Transportation.

H. F. No. 616: A bill for an act relating to commerce; requiring that consumer contracts be written in clear and coherent language; providing remedies; proposing new law coded in Minnesota Statutes, Chapter 325G.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1017, now on General Orders.

H. F. No. 1247: A bill for an act relating to elections; fixing the majority necessary to approve an amendment to a home rule charter; amending Minnesota Statutes 1980, Section 410.12, Subdivision 4.

Referred to the Committee on Local Government and Urban Affairs.

## REPORTS OF COMMITTEES

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

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

S. F. No. 1393: A bill for an act relating to taxation; appropriating money for state payments to local units of government; limiting the amount of homestead credits; limiting local levies; imposing additional income taxes on individuals, estates, trusts, and corporations; limiting certain deductions; redefining the method for inflation proofing brackets, credits, and deductions; changing interest rates on delinquent taxes; rescheduling certain payments to local governments; changing definition of claimant for property tax refund and offsetting credit based on amount of medical assistance; providing for declaration and estimated payments of gross earnings tax; allowing deduction of federal taxes on the accrual basis; repealing distribution of estate taxes to counties; increasing the permissible levy for school districts to 23 mills; providing for a one year suspension of the penalty for school district underlevy; amending Minnesota Statutes 1980, Sections 124.01, Subdivision 3; 124.213; 124.212, by adding a subdivision; 270.75; 273.115, Subdivision 4; 273.116, Subdivision 4; 273.13, Subdivision 15a; 273.136, Subdivision 3; 273.138, Subdivision 5; 273.139, Subdivision 3; 275.125, Subdivision 2a; 275.50, Subdivision 2; 275.51, Subdivision 1 and by adding subdivisions; 275.55; 290.01, Subdivisions 20 and 23; 290.06, Subdivisions 2d, 3g, and by adding subdivisions; 290.067, Subdivision 2; 290.09, Subdivisions 4, 10, and 15; 290.10; 290.18, Subdivision 2, and by adding a subdivision; 290A.03, Subdivision 8; 290A.04, by adding a subdivision; 290A.07, Subdivision 2; 477A.01, Subdivision 4b; 477A.03; 477A.13; proposing new law coded in Minnesota Statutes, Chapters 275 and 295; repealing Minnesota Statutes 1980, Sections 275.50, Subdivisions 5 and 6; 275.51, Subdivisions 3d, 4, and 5; 275.52; 275.53; 275.54; 275.551; 275.552; 275.58; 275.59 and 291.33.

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

Page 39, line 1, delete "*plus*" and insert a period

Page 39, delete lines 2 and 3

Page 41, after line 14, insert:

### "ARTICLE V

Section 1. Minnesota Statutes 1980, Section 168.011, Subdivision 7, is amended to read:

Subd. 7. [PASSENGER AUTOMOBILE.] "Passenger automobile" means any motor vehicle designed and used for the carrying of not more than ~~eight~~ *ten* persons but excluding motorcycles, ~~and~~ motor scooters, ~~and~~ station wagons. *Passenger automobile includes pickup trucks and station wagons.*

Sec. 2. Minnesota Statutes 1980, Section 168.011, Subdivision 10, is amended to read:

Subd. 10. [TRUCK.] "Truck" means any motor vehicle designed and used for carrying things other than passengers, *but does not include a pickup truck.*

Sec. 3. Minnesota Statutes 1980, Section 168.011, Subdivision 16, is amended to read:

Subd. 16. [GROSS WEIGHT.] "Gross weight" means the actual unloaded weight of the vehicle, either a truck or tractor, or the actual unloaded combined weight of a truck-tractor and semitrailer or semitrailers, or of the truck-tractor, semitrailer and one additional semitrailer, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such vehicle or combined vehicles. The term gross weight applied to a truck used for towing a trailer means the unloaded weight of the truck, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such truck, including the weight of such part of the trailer and its load as may rest upon the truck. The term gross weight applied to school buses means the weight of the vehicle fully equipped with all fuel tanks full of fuel, plus the weight of the passengers and their baggage computed at the rate of 100 pounds per passenger seating capacity, including that for the driver. The term gross weight applied to other buses means the weight of the vehicle fully equipped with all fuel tanks full of fuel, plus the weight of passengers and their baggage computed at the rate of 150 pounds per passenger seating capacity, including that for the driver. For bus seats designed for more than one passenger, but which are not divided so as to allot individual seats for the passengers that occupy them, allow two feet of its length per passenger to determine seating capacity. The term gross weight applied to a truck, truck-tractor or a truck used as a truck-tractor used exclusively by the owner thereof for transporting unfinished forest products or used by the owner thereof to transport agricultural, horticultural, dairy and other farm products including livestock produced or finished by the owner of the truck and any other personal property owned by the farmer to whom the license for such truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner, as described in subdivision 17, shall be the actual weight of the truck, truck-tractor or truck used as a truck-tractor or the combined weight of the truck-tractor and semitrailer plus the weight of the maximum load which the applicant has elected to carry on such vehicle or combined vehicles and shall be licensed and taxed as provided by section 168.013, subdivision 1c. The term gross weight applied to a truck-tractor or a truck used as a truck-tractor used exclusively by the owner thereof, or by a for hire carrier hauling for the owner, for towing an equipment dolly shall be the actual weight of the truck-tractor or truck used as a truck-tractor plus the weight of such part of the equipment dolly and its load as may rest upon the truck-tractor or truck used as a truck-tractor, and shall be licensed separately and taxed as provided by section 168.013, subdivision 1e, and the equipment dolly shall be licensed separately and taxed as provided in section 168.013, subdivision 1d, which is applicable for the balance of the weight of the equipment dolly and the balance of the maximum load the applicant has elected to carry on such combined vehicles. The term "equipment dolly" as used in this subdivision means a heavy semitrailer used solely by the owner thereof, or by a for hire carrier hauling for the owner, to transport his construction machinery, equipment, implements and other objects used on a construction project, but not to be incorporated in or to become a part of a completed project. The term gross weight applied to a wrecker defined in section 169.01, subdivision 52, means the weight of the wrecker fully equipped for service, including the weight of the crane, winch and other equipment to control the movement of a towed vehicle, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

Sec. 4. Minnesota Statutes 1980, Section 168.011, Subdivision 17, is amended to read:



Subd. 17. [FARM TRUCK.] "Farm truck" means all single unit trucks, truck-tractors, tractors, semitrailers, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced or finished by the owner of the truck, and any other personal property owned by the farmer to whom the license for ~~such the~~ truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, truck-tractors, tractors, semitrailers, and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when ~~such the~~ transportation constitutes the first haul of ~~such the~~ products, and may be used by the owner thereof, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, chips, railroad ties and other raw and unfinished forest products from the place of production to an assembly yard or railhead when ~~such the~~ transportation constitutes the first haul thereof, provided that the owner and operator of ~~such the~~ vehicle transporting planed lumber shall have in his immediate possession a statement signed by the producer of ~~such the~~ lumber designating the governmental subdivision, section and township where ~~such the~~ lumber was produced and that this haul, indicating the date, is the first haul thereof. ~~Such~~ The licensed vehicles may also be used by the owner thereof to transport, to and from timber harvesting areas, equipment and appurtenances incidental to timber harvesting, and gravel and other road building materials for timber haul roads.

"Farm trucks" shall also include only single unit trucks, which, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream enroute from farm to an assembly point or place for final manufacture, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of ~~any such the~~ truck cannot carry on his usual accommodation services for his patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

Sec. 5. Minnesota Statutes 1980, Section 168.011, Subdivision 25, is amended to read:

Subd. 25. [RECREATIONAL EQUIPMENT.] "Recreational equipment" means house trailers including those which telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses and converted vans.

(1) House trailers, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, converted buses and converted vans are units designed and used for human living quarters and meeting the following qualifications:

- (a) Are not used as the residence of the owner or occupant.
- (b) Are used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities.
- (c) Are self propelled or towed on the public streets or highways incidental to ~~such the~~ recreational or vacation activities.

*For the purposes of this subdivision, a motor home includes a unit designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self propelled motor vehicle chassis or van that*

contains a permanently installed independent life support system and provides at least four of the following facilities: cooking, refrigeration or ice box, self contained toilet, heating or air conditioning, a potable water supply system including a faucet and sink, separate 110-125 volt electrical power supply, or a liquid propane gas supply. The units include, but are not limited to, the following:

(i) A raw chassis upon which is built a driver's compartment and an entire body that provides temporary living quarters;

(ii) A completed van-type vehicle that has been altered to provide temporary living quarters; and

(iii) An incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined above.

(2) Slip in campers are mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or by firmly clamping to the side of the pickup box. The vehicle ~~may be registered, at the owner's choice, as either a recreational vehicle under this definition or may be registered as a truck, defined by subdivision 10 must be registered as a passenger automobile.~~

Sec. 6. Minnesota Statutes 1980, Section 168.013, Subdivision 1a, is amended to read:

Subd. 1a. [PASSENGER AUTOMOBILES; AMBULANCES; HEARSEs.] On passenger automobiles as defined in section 168.011, subdivision 7, ambulances, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to 1.25 percent of the base value, except that on pickup trucks, the tax shall be:

(a) For the 1982 registration year, \$10 plus an additional tax equal to .83 percent of the base value;

(b) For the 1983 registration year and each succeeding year, \$10 plus an additional tax equal to 1.25 percent of the base value.

Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge as reflected on the price listing affixed to the vehicle in conformity with 15 U.S.C. 1231 to 1233 (Public Law 85-506) or otherwise suggested by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

If the registrar is unable to determine the base value because the vehicle is specially constructed, or for any other reason, he may establish such the value upon the cost price to the purchaser or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

The registrar shall classify every vehicle in its proper base value class as follows:

FROM	TO
\$ 0	\$199.99
200	399.99

and thereafter a series of classes successively set in brackets having a spread

of \$200 consisting of ~~such~~ the number of classes as will permit classification of all vehicles.

The base value for purposes of this section shall be the middle point between the extremes of its class.

The registrar shall establish the base value, when new, of every passenger automobile, ambulance and hearse registered prior to the effective date of Extra Session Laws 1971, Chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling ~~such~~ the data for the automotive industry. If the registrar is unable to ascertain the base value of any registered vehicle in the foregoing manner, he may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, Chapter 31.

The annual additional tax computed upon the base value as provided herein, during the first year of vehicle life shall be computed upon 100 percent of the base value; for the second year, 90 percent of ~~such~~ the value; for the third year, 75 percent of ~~such~~ the value; for the fourth year, 60 percent of ~~such~~ the value; for the fifth year, 45 percent of ~~such~~ the value; for the sixth year, 35 percent of ~~such~~ the value; for the seventh year, 30 percent of ~~such~~ the value; for the eighth year, 20 percent of ~~such~~ the value; for the ninth year, 15 percent of ~~such~~ the value; for the tenth year, 10 percent of ~~such~~ the value; for the eleventh and each succeeding year, the sum of \$2 \$5.

*In no event shall the annual additional tax be less than \$5 for any registration renewed after November 15, 1981.*

Sec. 7. Minnesota Statutes 1980, Section 168.013, Subdivision 1b, is amended to read:

Subd. 1b. [MOTORCYCLES.] On motorcycles the tax is ~~\$5~~ \$10, which includes the surtax provided for in subdivision 14.

Sec. 8. Minnesota Statutes 1980, Section 168.013, Subdivision 1c, is amended to read:

Subd. 1c. [FARM TRUCKS.] (1) On farm trucks, having a gross weight of not more than 57,000 pounds the tax shall be based on total gross weight and shall be ~~30~~ 40 percent of the Minnesota base rate prescribed by subdivision 1e ~~under Schedule I~~ during each of the first ~~six~~ ten years of vehicle life, but in no event less than ~~\$19~~ \$60, and during the ~~seventh~~ eleventh and succeeding years of vehicle life ~~as taken from Schedule II~~ the tax shall be 30 percent of the base rate, but in no event less than ~~\$11~~ \$35 except as otherwise provided in this subdivision. In addition to ~~such~~ the gross weight tax imposed on a truck-tractor or truck used as a truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

(2) On farm trucks having a gross weight in excess of 57,000 pounds the tax shall be based on total gross weight and shall be 60 percent of the base rate prescribed in subdivision 1e during each of the first ten years of vehicle life and 40 percent of the base rate during the eleventh and succeeding years of vehicle life, except as otherwise provided in this subdivision.

(3) On farm trucks having a gross weight in excess of 57,000 pounds, during each of the first ten years of vehicle life, the tax shall be:

(a) For the 1982 registration year, 50 percent of the tax imposed in subdivision 1e;

(b) For the 1983 registration year and each succeeding year, 60 percent of the tax imposed in subdivision 1e.

Sec. 9. Minnesota Statutes 1980, Section 168.013, Subdivision 1d, is amended to read:

Subd. 1d. [TRAILERS.] On trailers the annual tax shall be based on total gross weight and shall be 50 percent of the Minnesota base rate prescribed in subdivision 1e, ~~Schedule I~~, but in no event less than \$2 \$5, provided, that the tax on trailers with a total gross weight of 3,000 pounds or less shall be payable biennially.

Sec. 10. Minnesota Statutes 1980, Section 168.013, Subdivision 1e, is amended to read:

Subd. 1e. [TRUCKS; TRACTORS; COMBINATIONS; EXCEPTIONS.] On all trucks and tractors except those in this chapter defined as farm trucks, and urban trucks, and on all truck-tractor and semi-trailer combinations except those defined as farm combinations and urban combinations, the tax based on total gross weight during the first six years of vehicle life shall be graduated according to ~~Schedule I~~ of the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$50. ~~\$28~~, and During the seventh and succeeding years of vehicle life the tax shall be graduated according to ~~Schedule H~~ of this subdivision, but in no event less than \$17 75 percent of the tax imposed in the Minnesota base rate schedule, except as otherwise provided in this subdivision. For all trucks, tractors, and combinations, during the seventh and succeeding years of vehicle life, the tax shall be:

(a) For the 1982 registration year, 60 percent of the tax imposed in subdivision 1e;

(b) For the 1983 registration year, 70 percent of the tax imposed in subdivision 1e;

(c) For the 1984 registration year and each succeeding year, 75 percent of the tax imposed in subdivision 1e.

#### MINNESOTA BASE RATE SCHEDULE

Scheduled taxes include five percent  
surtax provided for in subdivision 14

TOTAL GROSS WEIGHT IN POUNDS		SCHEDULE I		SCHEDULE H	
		Tax		Tax	
A	0 - 1,500	\$ 5.00	10	\$ - - - -	
B	1,501 - 3,000	9.00	14	- - - -	
C	3,001 - 4,500	14.00	21	8.00	
D	4,501 - 6,000	19.00	28	11.00	
E	6,001 - 9,000	28.00	42	17.00	
F	9,001 - 12,000	39.00	49	23.00	
G	12,001 - 15,000	62.00	93	37.00	
H	15,001 - 18,000	86.00	129	52.00	
I	18,001 - 21,000	114.00	171	68.00	
J	21,001 - 27,000	158.00	237	95.00	
K	27,001 - 33,000	230.00	345	138.00	
L	33,001 - 39,000	320.00	480	192.00	

M	39,001 - 45,000	420.00	630	252.00
N	45,001 - 51,000	540.00	810	324.00
O	51,001 - 57,000	690.00	863	414.00
P	57,001 - 63,000	830.00	1038	498.00
Q	63,001 - 69,000	970.00	1213	582.00
R	69,001 - 73,280	1,050.00	1313	630.00
S	73,281 - 77,000      78,000	1,155.00	1444	693.00
T	77,001 78,001 - 81,000	1,260.00	1575	746.00

For each vehicle with a gross weight in excess of 81,000 pounds an additional tax of \$36 \$42 is imposed for each ton or fraction thereof in excess of 81,000 pounds, subject to provisions of subdivision 12.

Provided however, that on all trucks, except those in this chapter defined as farm trucks and urban trucks, having a gross weight in excess of 18,000 pounds but less than 27,001 pounds, the tax shall be:

(a) For the registration year 1976, 70 percent of the applicable Schedule I or Schedule II of this subdivision;

(b) For the registration year 1977, 80 percent of the applicable Schedule I or Schedule II of this subdivision;

(c) For the registration year 1978, 90 percent of the applicable Schedule I or Schedule II of this subdivision;

(d) For the registration year 1979 and thereafter, 100 percent of the applicable Schedule I or Schedule II of this subdivision.

On vehicles having a gross weight in excess of 27,000 pounds, and used for the transportation of livestock or unprocessed and raw farm products shall be taxed at 90 percent of the Minnesota base rate prescribed by this subdivision under Schedule I during each of the first six years of vehicle life and during the seventh and succeeding years of vehicle life as taken from Schedule II, provided the gross receipts derived from such use equal or exceed 60 percent of the owner's total gross receipts from the operation of such vehicle during the 12 month period immediately preceding the date set by law for the reregistration of such vehicle. The owner shall furnish such information as the commissioner of public safety may require, including sworn statements of fact, and the commissioner of public safety shall thereupon determine whether such owner comes within the provisions of this paragraph.

If an owner has not used such vehicle for the transportation of livestock or unprocessed and raw farm products so as to be able to report gross receipts for the 12 month period as herein set forth, he may, nevertheless, apply for registration hereunder and pay the reduced tax and the commissioner of public safety shall, after consideration of the established facts, determine whether such owner is entitled to have such registration approved.

If an owner fails to operate under the conditions and limitations herein set forth, he shall immediately notify the commissioner of public safety of such fact and pay the difference between the scheduled gross weight tax and the reduced tax proportionate to the number of months remaining in the year, 1/12 of the difference for each month or fraction thereof, beginning with the month in which such operations were discontinued or changed.

If an owner first uses such vehicle for the transportation of livestock and unprocessed and raw farm products after the tax becomes due without reduction, no adjustment of refund of tax shall be made during that calendar year for reasons of transporting livestock and unprocessed and raw farm products.

All truck-tractors except those herein defined as farm and urban truck-tractors shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of ~~such~~ the truck-tractor and any semi-trailer or semitrailers which the applicant proposes to combine with the truck-tractor. In addition, to ~~such~~ the gross weight tax imposed on the truck-tractor, each semi-trailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects.

Urban trucks include only all trucks and all truck-tractors and semi-trailers used exclusively in transporting property within the metropolitan area consisting of Hennepin, Ramsey, Scott, Dakota, Anoka, Washington and Carver counties, or within the corporate limits of any city or contiguous cities or within one mile of cities of the first and second class. For the purposes of this clause a land area ceded to the United States of America under General Laws 1889, Chapter 57, is a statutory city. The vehicle shall not be operated outside the metropolitan area or corporate limits of such city or contiguous cities, or beyond one mile of cities of the first and second class; except that the commissioner of public safety may, by special permit, authorize the permanent removal of such vehicle from any registration area to another. The license plates issued therefor shall be plainly marked.

*(1) On urban trucks and combinations with a gross weight of 57,000 pounds or less the tax shall be based on total gross weight and shall be 30 75 percent of the Minnesota base rate prescribed in this subdivision 1e under Schedule I during each of the first six years of vehicle life, but in no event less than \$19, and during the seventh and succeeding years of vehicle life as taken from Schedule II, but in no event less than \$11 the tax shall be 50 percent of the base rate except as otherwise provided in this subdivision. On urban trucks and combinations with a gross weight of 57,000 pounds or less during each of the first six years of vehicle life the tax shall be:*

*(a) For the 1982 registration year, 45 percent of the Minnesota base rate schedule;*

*(b) For the 1983 registration year, 60 percent of the Minnesota base rate schedule;*

*(c) For the 1984 registration year and each succeeding year, 75 percent of the Minnesota base rate schedule.*

*(2) On urban trucks and combinations with a gross weight of 57,000 pounds or less, during the seventh and succeeding years of vehicle life, the tax shall be:*

*(a) For the 1982 registration year, 36 percent of the Minnesota base rate schedule;*

*(b) For the 1983 registration year, 43 percent of the Minnesota base rate schedule;*

*(c) For the 1984 registration year and each succeeding year, 50 percent of the Minnesota base rate schedule.*

*(3) On urban trucks and combinations with a gross weight of more than 57,000 pounds the tax shall be based on total gross weight and shall be 100 percent of the Minnesota base rate prescribed by subdivision 1e during each of the first six years of vehicle life and during the seventh and succeeding years, the tax shall be 75 percent of the base rate, except as otherwise provided in this subdivision. On urban trucks and combinations with a gross weight of more than 57,000 pounds, during each of the first six years of vehicle life, the tax shall be:*

(a) For the 1982 registration year, 33 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 67 percent of the Minnesota base rate schedule;

(c) For the 1984 registration year and each succeeding year, 100 percent of the Minnesota base rate schedule.

(4) On urban trucks with a gross weight of more than 57,000 pounds, during the seventh and succeeding years of vehicle life the tax shall be:

(a) For the 1982 registration year, 42 percent of the Minnesota base rate schedule;

(b) For the 1983 registration year, 57 percent of the Minnesota base rate schedule;

(c) For the 1984 registration year and each succeeding year, 75 percent of the Minnesota base rate schedule. In addition to such gross weight tax imposed on the truck-tractor, each semitrailer shall be taxed a fee of \$10 for a one year period or \$50 for a five year period whichever the applicant elects. Provided that on vehicles used by an authorized local cartage carrier operating under a permit issued pursuant to section 221.296 and whose gross transportation revenue consist of at least 60 percent obtained solely from local cartage carriage, shall be taxed at 90 percent of the prescribed urban truck and combination rates for the life of the vehicle during each year such vehicle is used, provided that the gross revenues obtained from transportation services is obtained from local cartage carriage is at least 60 percent of all revenue obtained from transportation services by said person; and provided further, that said tax shall in no event be less than \$10.

Sec. 11. Minnesota Statutes 1980, Section 168.013, Subdivision 1g, is amended to read:

Subd. 1g. [RECREATIONAL VEHICLES.] Selfpropelled recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight at 100 percent of the Minnesota base rate prescribed in subdivision 1e under schedule I during each of the first six years of vehicle life, but in no event less than \$14, and during the seventh and succeeding years of vehicle life as taken from Schedule II, but in no event less than \$8. Towed recreational vehicles shall be separately licensed and taxed annually on the basis of total gross weight at 50 percent of the Minnesota base rate prescribed in subdivision 1e schedule under Schedule I but in no event less than \$5.

The annual tax on a slip-in camper as defined in section 168.011, subdivision 25, shall be as provided for selfpropelled recreational vehicles unless such owner elects to register such slip-in camper as a truck. If the owner elects to register such slip-in camper as a truck, the annual tax shall be either the tax imposed for selfpropelled recreational vehicles or the tax imposed for trucks on the basis of gross weight in subdivision 1e, whichever is higher. Notwithstanding any law to the contrary, all trailers and semitrailers taxed pursuant to this section shall be exempt from any wheelage tax now or hereafter imposed by any political subdivision or political subdivisions.

Sec. 12. Minnesota Statutes 1980, Section 168.013, Subdivision 1h, is amended to read:

Subd. 1h. [MOTORIZED BICYCLES.] On motorized bicycles the tax is \$3 \$10, which includes the surtax provided for in subdivision 14.

Sec. 13. Minnesota Statutes 1980, Section 168.013, Subdivision 2, is amended to read:

Subd. 2. [PRORATED FEES.] When a motor vehicle first becomes subject to taxation during the registration period for which the tax is paid, the tax shall be for the remainder of the period prorated on a monthly basis, 1/12 of the annual tax for each calendar month or fraction thereof; provided, however, that for a vehicle having an annual tax of \$5 \$10 or less there shall be no reduction until on and after September 1 when ~~such~~ the annual tax shall be reduced one-half.

Sec. 14. Minnesota Statutes 1980, Section 168.013, Subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELANION; EXCESSIVE GROSS WEIGHTS FORBIDDEN.] The applicant for all licenses based on gross weight shall state in writing upon oath, among other things, the unloaded weight of such vehicle or trailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than ~~1-1/2~~ 1-1/4 times the declared unloaded weight of the vehicle or trailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18 and wreckers defined in section 169.01, subdivision 52. The gross weight of a wrecker is the actual weight of the wrecker fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the wrecker.

The gross weight of no vehicle or trailer shall exceed the gross weight upon which the license tax has been paid by more than four percent or 1000 pounds, whichever is greater.

The gross weight of the vehicle or trailer for which such license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

The owner, driver, or user of a vehicle or trailer upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight shall be guilty of a misdemeanor and be subject to increased registration or re-registration according to the following schedule:

(1) The owner, driver or user of a vehicle or trailer upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.83 by more than four percent or 1000 pounds, whichever is greater, but less than 25 percent, in addition to any penalty imposed on him for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight of which the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for such a vehicle under section 169.83, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not be deemed to permit the vehicle



to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.83. Unless the owner within 30 days after such a conviction shall apply to increase the authorized weight and pay the additional tax as herein provided, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued by him on that registration.

(2) The owner or driver or user of a vehicle or trailer upon conviction for transporting a gross weight in excess of the gross weight for which the vehicle or trailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.83 by 25 percent or more, in addition to any penalty imposed on him for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the same is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle so operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed be paid.

(3) When the registration on a motor vehicle, trailer or semitrailer has been revoked by the registrar according to provisions of this section, such vehicle shall not be again operated on the highways of the state until it is registered or re-registered, as the case may be, and new plates issued, and the registration fee therefor shall be the annual tax for the total gross weight of the vehicle at the time of violation.

Sec. 15. Minnesota Statutes 1980, Section 168.017, Subdivision 1, is amended to read:

Subdivision 1. All passenger automobiles, ambulances, hearses, *pickup trucks* and station wagons, ~~beginning April 1, 1975,~~ shall be registered by the registrar according to the monthly series system of registration prescribed by this section.

Sec. 16. Minnesota Statutes 1980, Section 168.017, Subdivision 3, is amended to read:

Subd. 3. All vehicles subject to registration under the monthly series system shall be registered by the registrar for a period of 12 consecutive calendar months, except as follows:

- (a) If the application is an original rather than renewal application; or,
- (b) The application is the next registration occurring after a dealer or distributor has registered a motor vehicle prior to its assessment or taxation as personal property pursuant to section 168.28; or,
- (c) The application is a renewal application *for a pickup truck* for the registration year of ~~1975~~ 1982.

In such instance the registrar may register the vehicle which is the subject of the application for a period of not less than three nor more than 15 calendar months, when the registrar determines that such registration will help to equalize the registration and renewal work load of the department.

Sec. 17. [168.018] [FOUR MONTH REGISTRATION OF FARM TRUCKS.]

*The owner of any farm truck as defined in section 168.011, subdivision 17, may elect to register and license the farm truck only for four months of a registration year, at a tax of one-third of the annual tax on the vehicle plus \$5. The expiration date shall be displayed on the license plate in the manner the registrar directs. No farm truck so registered shall be operated on the public streets and highways more than ten days beyond the end of the time period for which it is registered unless the registration has been renewed for another four months or for the remainder of the registration year.*

Sec. 18. Minnesota Statutes 1980, Section 168.10, Subdivision 1a, is amended to read:

Subd. 1a. [COLLECTOR'S VEHICLES, PIONEER LICENSE.] Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$6 \$50 tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a \$2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates.

Sec. 19. Minnesota Statutes 1980, Section 168.10, Subdivision 1b, is amended to read:

Subd. 1b. [COLLECTOR'S VEHICLE, CLASSIC CAR LICENSE.] Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the registrar of motor vehicles as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the registrar is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$6

\$50 tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke said plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a \$2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates.

The following cars built between and including 1925 and 1942 are classic, with the exception of Lincoln Continentals which are considered to be classics through the year 1948:

A.C.	
Adler	
Alfa Romeo	
Alvis	Speed 20, 25, and 4.3 litre.
Amilcar	
Aston Martin	
Auburn	All 8-cylinder and 12-cylinder models.
Audi	
Austro-Daimler	
Avions Voisin 12	
Bentley	
Blackhawk	
B.M.W.	Models 327, 328, and 335 only.
Brewster	
(Heart-front Ford)	
Bugatti	
Cadillac	All 1925 through 1935. 1936-1942: Series 70, 72, 75, 80, 85 and 90 only.
Chrysler	1926 through 1930: Imperial 80. 1931: Imperial 8 Series CG. 1932: Series CG and CL. 1933: Series CL. 1934: Series CW. 1935: Series CW. All Newports and Thunderbolts.
Cord	
Cunningham	
Dagmar	Model 25-70 only.
Daimler	
Delage	
Delahaye	
Doble	
Dorris	
Duesenberg	
du Pont	

Franklin  
 Frazer Nash  
 Hispano Suiza  
 Horch  
 Hotchkiss  
 Invicta  
 Isotta Fraschini  
 Jaguar  
 Jordan  
 Kissel

All models except 1933-34 Olympic Sixes.

Speedway Series 'Z' only.  
 1925, 1926 and 1927: Model 8-75.  
 1928: Model 8-90, and 8-90 White Eagle.  
 1929: Model 8-126, and 8-90 White Eagle.  
 1930: Model 8-126.  
 1931: Model 8-126.

Lagonda  
 Lancia  
 La Salle  
 Lincoln

1927 through 1933 only.  
 All models K, L, KA, and KB.  
 1941: Model 168H.  
 1942: Model 268H.

Lincoln  
 Continental  
 Locomobile

1939 through 1948.  
 All models 48 and 90.  
 1927: Model 8-80.  
 1928: Model 8-80.  
 1929: Models 8-80 and 8-88.

Marmon

All 16-cylinder models.  
 1925: Model 74.  
 1926: Model 74.  
 1927: Model 75.  
 1928: Model E75.  
 1930: Big 8 model.  
 1931: Model 88, and Big 8.

Maybach  
 McFarlan  
 Mercedes Benz  
 Mercer  
 M.G.  
 Minerva  
 Packard

All models 2.2 litres and up.

6-cylinder models only.

1925 through 1934: All models.  
 1935 through 1942: Models 1200,  
 1201, 1202, 1203, 1204, 1205, 1207,  
 1208, 1400, 1401, 1402, 1403, 1404,  
 1405, 1407, 1408, 1500, 1501, 1502,  
 1506, 1507, 1508, 1603, 1604, 1605,  
 1607, 1608, 1705, 1707, 1708, 1806,  
 1807, 1808, 1906, 1907, 1908, 2006,  
 2007, and 2008 only.

Peerless

1926 through 1928: Series 69.  
 1930-1931: Custom 8.  
 1932: Deluxe Custom 8.

Pierce Arrow  
 Railton  
 Renault  
 Reo

Grand Sport model only.  
 1930-1931: Royale Custom 8, and

Series 8-35 and 8-52 Elite 8.  
1933: Royale Custom 8.

Revere  
Roamer

1925: Series 8-88, 6-54e, and 4-75.  
1926: Series 4-75e, and 8-88.  
1927-1928: Series 8-88.  
1929: Series 8-88, and 8-125.  
1930: Series 8-125.

Rohr  
Rolls Royce  
Ruxton  
Salmson  
Squire  
Stearns Knight  
Stevens Duryea  
Steyr  
Stutz  
Sunbeam  
Talbot  
Vauxhall  
Wills Saint Claire

Series 30-98 only.

No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

Sec. 20. Minnesota Statutes 1980, Section 168.10, Subdivision 1c, is amended to read:

Subd. 1c. [COLLECTOR'S VEHICLE, COLLECTOR LICENSE. ] Any motor vehicle that is at least 20 model years old and manufactured after 1935, or of a defunct make, defined as any car originally licensed as a separate identifiable make as designated by the division of motor vehicles, and owned and operated solely as a collector's vehicle, shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. The owner must also prove that he or she also has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$20 \$50 tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates so issued shall bear the inscription "Collector," "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances, together with any defaced plates and the payment of a \$2 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such a manner as he may deem advisable to cancel and call in the original plates.

Sec. 21. Minnesota Statutes 1980, Section 168.10, Subdivision 1d, is

amended to read:

Subd. 1d. [COLLECTORS VEHICLES, STREET ROD LICENSE. ] Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that he or she has one or more vehicles with regular license plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 \$50 tax, the registrar shall list such vehicle for taxation and registration and shall issue number plates.

The number plates issued shall bear the inscription "Street Rod"; "Minnesota" and the registration number but no date. The number plates are valid without renewal as long as the vehicle is in existence and shall be issued for the applicant's use only for such vehicle. The registrar has the power to revoke such plates for failure to comply with this subdivision.

In the event of the defacement, loss or destruction of such number plates, the registrar, upon receiving and filing a sworn statement of the vehicle's owner, setting forth the circumstances, together with any defaced plates and the payment of a \$5 fee, shall issue duplicate plates specially designed for that purpose. The registrar shall then note on his records the issue of such new number plates and shall proceed in such a manner as he may deem advisable to cancel and call in the original plates.

Sec. 22. Minnesota Statutes 1980, Section 168.12, Subdivision 2a, is amended to read:

Subd. 2a. [PERSONALIZED LICENSE PLATES.] Personalized license plates shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, or self-propelled recreational vehicle, upon compliance with all laws of this state relating to registration of the vehicle, and upon payment of a fee of \$50 \$75 in addition to the registration tax required by law for the vehicle. In lieu of the numbers assigned as provided in subdivision 1, such personalized license plates shall have imprinted thereon a series of not to exceed any combination of six numbers and letters. When an applicant has once obtained personalized plates, he shall have a prior claim for similar personalized plates in the next succeeding year that plates are issued if he makes application for them at least 30 days prior to the first date on which his registration can be renewed. The commissioner of public safety shall adopt rules and regulations in the manner provided by chapter 15, regulating the issuance and transfer of such personalized license plates. No words or combination of letters placed on such personalized license plates may be used for commercial advertising or be of an obscene, indecent or immoral nature, or such as would offend public morals or decency. The call signals or letters of a radio or television station shall not be construed as commercial advertising for the purposes of this subdivision.

Notwithstanding the provisions of subdivision 1, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5, which fee shall be paid into the state treasury

and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for such notification.

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund.

Sec. 23. Minnesota Statutes 1980, Section 174.50, Subdivision 1, is amended to read:

Subdivision 1. State assistance is needed to supplement local effort and the highway user tax distribution fund in financing capital improvements to preserve and develop a balanced transportation system throughout the state. Such a system is a proper function and concern of state government and necessary to protect the safety and personal and economic welfare of all citizens. *It requires capital expenditures for public facilities, improvements, and equipment that are complementary, additional, and alternate to highways and are a proper object for contracting public debt and engaging in works of internal improvement under article XI, section 5, clause (a) of the constitution. These expenditures are needed to harmonize state and local highway systems with the requirements of the federal interstate highway system, to avoid harmful environmental impact of arterial highways on urban, scenic, and recreational areas, and to provide auxiliary facilities for the convenience and safety of persons crossing highways and persons living and working adjacent to them. Capital expenditures of this nature exceed requirements for basic highway systems and should be funded from sources other than the taxes and bonds authorized in article XIV of the constitution. However, the improvements tend to reduce the cost of maintenance of highways to the minimum required for accommodation of traffic, and the cost may and shall continue to be paid from taxes authorized in article XIV of the constitution. Immediate improvement needs are reconstruction and replacement of key bridges and approaches to remove obstructions to the flow of traffic on state and county highways, municipal streets and township roads and expedited completion of the interstate highway system in Minnesota by paying the state share of interstate highway segments, and a portion of the local share of interstate highway substitution projects when those interstate substitution projects are approved in accordance with state and federal law.*

Sec. 24. Minnesota Statutes 1980, Section 296.02, Subdivision 1, is amended to read:

Subdivision 1. [TAX IMPOSED FOR MOTOR VEHICLE USE.] There is hereby imposed an excise tax of ~~11~~ 13 cents per gallon on all gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter.

#### Sec. 25. [TRANSPORTATION FUND APPROPRIATIONS.]

*\$98,000,000 is appropriated from the state transportation fund to the commissioner of transportation to acquire and better public land, buildings, and capital improvements in accordance with Minnesota Statutes, Section 174.50 and rules promulgated thereunder, to be expended in the following amounts for the following purposes:*

(a) *\$95,000,000 for construction and reconstruction of key bridges and bridge approaches on routes on the trunk highway system, including interstate*

routes, and for construction of segments of the interstate highway system, and

(b) \$3,000,000 for matching funds not to exceed two-thirds of the non-federal share of right of way, preliminary and construction engineering, and construction costs of local transportation projects which are funded with federal interstate substitution funds.

#### Sec. 26. [AUTHORIZATION OF BONDS.]

To provide the money appropriated in section 25 from the state transportation fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$98,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Section 174.51, and by the constitution, article XI, sections 4 to 7. The proceeds of the bonds, except premium and accrued interest, are appropriated to and shall be deposited in the Minnesota state transportation fund for expenditure for the acquisition and betterment of public land, buildings, and capital improvements in accordance with section 25 and Minnesota Statutes, Section 174.50.

#### Sec. 27. [REPEALER.]

Minnesota Statutes 1980, Section 168.013, Subdivisions 16 and 17, are repealed.

#### Sec. 28. [EFFECTIVE DATE.]

Sections 6 and 27 are effective for registration and renewal registration applications made on and after January 1, 1982, except as otherwise specifically provided in those sections. Sections 1 to 5 and 7 to 22 are effective November 15, 1981, for registration year 1982 and subsequent years, except as otherwise specifically provided in those sections. Section 24 is effective June 1, 1981, and applies to all gasoline and special fuel as defined in section 296.01, subdivision 6, in storage on that date. Sections 23, 25 and 26 are effective June 1, 1981."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "government;" insert "providing for the financing of certain services of the department of transportation; defining and clarifying certain gross weights; increasing the motor vehicle registration tax on certain vehicles; providing for temporary farm truck licenses; increasing the tax on gasoline and special fuels; authorizing the issuance of state transportation bonds and appropriating the proceeds for the purpose of providing money for capital improvements comprising construction and reconstruction of key bridges on the trunk highway system, segments of the interstate system and interstate highway substitution projects;"

Page 1, line 21, after "subdivision;" insert "168.011, Subdivisions 7, 10, 16, 17 and 25; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1g, 1h, 2, and 3; 168.017, Subdivisions 1 and 3; 168.10; Subdivisions 1a, 1b, 1c, and 1d; 168.12, Subdivision 2a; 174.50, Subdivision 1;"

Page 1, line 32, after "2;" insert "296.02, Subdivision 1;"

Page 1, line 34, after "Chapters" insert "168,"

Page 1, line 35, after "Sections" insert "168.013, Subdivisions 16 and 17;"

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. 1160 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.
1160	1302				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1160 be amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1980, Section 82.18, is amended to read:

82.18 [EXCEPTIONS.]

Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;

(b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;

(c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) Any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in such building;

(e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) Public officers while performing their official duties;

(g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) *Until July 1, 1983*, any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;

(i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period and that the person complies with section 82.24;

(j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of such securities;

(k) Any person who offers to sell or sells a business opportunity which is a

franchise registered pursuant to chapter 80C, when acting solely to sell the franchise;

(1) Any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility that is registered pursuant to the continuing care facility registration act, when acting solely as incident to the contract."

Page 1, line 10, delete "1" and insert "2"

Page 1, line 18, delete "2" and insert "3"

Page 2, line 10, delete "2" and insert "3"

Amend the title as follows:

Page 1, line 2, after "commerce;" insert "removing the auctioneer's exception to the definition of "real estate broker";"

Page 1, line 5, delete "setting a penalty;"

Page 1, line 6, after "Sections" insert "82.18;"

And when so amended H. F. No. 1160 will be identical to S. F. No. 1302, and further recommends that H. F. No. 1160 be given its second reading and substituted for S. F. No. 1302, 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 were referred

H. F. Nos. 1301, 1190 and 1200 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1301	1253				
1190	1322				
1200	1226				

and that the above Senate Files be indefinitely postponed.

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

## SECOND READING OF SENATE BILLS

S. F. No. 1393 was read the second time.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1160, 1301, 1190 and 1200 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Frederick introduced—

Senate Resolution No. 58: A Senate resolution congratulating Kenneth J. Doty upon being elected Minnesota Educational Administrator for 1981.

Referred to the Committee on Rules and Administration.

Mr. Waldorf moved that the name of Mr. Sikorski be added as co-author to S. F. No. 118. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Penny, Lessard and Benson be added as co-authors to S. F. No. 1263. The motion prevailed.

Mr. Stern moved that his name be stricken as co-author to S. F. No. 1326. The motion prevailed.

S. F. No. 209 and the Conference Committee Report thereon were reported to the Senate.

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 209

A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

April 29, 1981

The Honorable Jack Davies  
President of the Senate

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

We, the undersigned conferees for S. F. No. 209, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 209 be amended as follows:

Page 2, line 17, delete "*\$20 for a gambling*"

Page 2, line 18, delete "*occasion, not to exceed \$30*" and insert "*\$25*" and strike "*to any person*"

Page 4, line 6, reinstate the stricken language

Page 4, line 7, reinstate all the stricken language after "*and*"; after "*and*" insert a comma and after "*tipboards*" insert "*and pull-tabs (or ticket jars)*"

Page 4, line 8, reinstate "*operated shall not exceed*", after the stricken "*\$500*" insert "*\$1,000*" and restore the stricken period

Page 4, line 10, after the first comma insert "*each tipboard limited to a single seal,*"

Page 4, line 12, strike "*and*" and insert a comma

Page 4, line 13, after "*tipboards*" insert "*and pull-tabs (or ticket jars)*"

Page 4, line 14, delete "\$50,000" and insert "\$35,000"

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

Senate Conferees: (Signed) Tom A. Nelson, John B. Keefe, Collin C. Peterson

House Conferees: (Signed) Leo J. Reding, James I. Rice, Dwaine H. Hoberg

Mr. Nelson moved that the foregoing recommendations and Conference Committee Report on S. F. No. 209 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.

S. F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing an additional gambling device; authorizing certain payments for operation of gambling devices; changing prize limitations; changing the penalty provision for violation; amending Minnesota Statutes 1980, Sections 349.26, Subdivisions 2, 4, 5, 12, 13, 14 and 15, and by adding a subdivision; 349.30, Subdivision 2; and 349.31, Subdivision 1.

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 55 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dahl	Davies	Kroening	Olhoff	Sieloff
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Hughes moved that S. F. No. 560 be taken from the table. The motion prevailed.

## CONCURRENCE AND REPASSAGE

Mr. Hughes moved that the Senate concur in the amendments by the House to S. F. No. 560 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 560: A bill for an act relating to employment; prohibiting certain

cities or counties from establishing residency requirements as a condition of employment; proposing new law coded in Minnesota Statutes, Chapter 415.

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 47 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Peterson, R. W.	Solon
Bang	Frank	Lessard	Pillsbury	Stern
Belanger	Frederickson	Luther	Purfeerst	Stumpf
Benson	Hanson	Menning	Ramstad	Taylor
Berg	Hughes	Nelson	Renneke	Ulland
Bernhagen	Humphrey	Olhoft	Rued	Vega
Bertram	Keefe	Pehler	Schmitz	Wegener
Dahl	Knoll	Penny	Setzepfandt	
Davies	Kronebusch	Peterson, C. C.	Sieloff	
Davis	Langseth	Peterson, D. L.	Sikorski	

Those who voted in the negative were:

Berglin	Johnson	Moe, R. D.	Stokowski	Willet
Chmielewski	Kroening	Petty	Tennessen	
Dicklich	Lindgren	Spear	Waldorf	

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

### SUSPENSION OF RULES

Without objection, the lie-over requirement was suspended.

### CALENDAR

H. F. No. 979: 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.

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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Kroening and Lindgren voted in the negative.

So the bill passed and its title was agreed to.

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.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski, Menning and Ulland voted in the negative.

So the bill passed and its title was agreed to.

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.

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 47 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Peterson, R. W.	Stern
Belanger	Frank	Lantry	Petty	Stokowski
Berglin	Frederickson	Lessard	Pillsbury	Stumpf
Bernhagen	Hanson	Luther	Purfeerst	Vega
Brataas	Hughes	Menning	Ramstad	Waldorf
Chmielewski	Humphrey	Moe, R. D.	Schmitz	Wegener
Dahl	Johnson	Nelson	Setzepfandt	Willet
Davis	Knoll	Pehler	Sikorski	
Dicklich	Kroening	Penny	Solon	
Dieterich	Kronebusch	Peterson, C. C.	Spear	

Those who voted in the negative were:

Bang	Davies	Lindgren	Rued	Ulland
Benson	Frederick	Olhoft	Sieloff	
Berg	Keefe	Peterson, D. L.	Taylor	
Bertram	Knutson	Renneke	Tennessen	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, 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	Tennessee
Bernhagen	Hanson	Menning	Renneke	Ulland
Bertram	Hughes	Moe, R. D.	Rued	Vega
Brataas	Johnson	Nelson	Schmitz	Waldorf
Chmielewski	Keefe	Olhoff	Setzepfandt	Wegener
Dahl	Knoll	Pehler	Sieloff	Willet
Davies	Knutson	Penny	Sikorski	
Davis	Kroening	Peterson, C. C.	Solon	

So the bill passed and its title was agreed to.

H. F. No. 691: 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.

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 28 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hanson	Peterson, D. L.	Tennessen
Bang	Dahl	Langseth	Pillsbury	Waldorf
Benson	Davies	Luther	Purfeerst	Wegener
Berg	Engler	Menning	Rued	Willet
Bernhagen	Frederick	Nelson	Spear	
Brataas	Frederickson	Olhoft	Taylor	

Those who voted in the negative were:

Belanger	Hughes	Kronebusch	Peterson, R. W.	Sikorski
Berglin	Humphrey	Lantry	Petty	Solon
Bertram	Johnson	Lessard	Ramstad	Stern
Davis	Keefe	Lindgren	Renneke	Stokowski
Dicklich	Knoll	Moe, R. D.	Schmitz	Stumpf
Dieterich	Knutson	Penny	Setzepfandt	Ulland
Frank	Kroening	Peterson, C. C.	Sieloff	Vega

So the bill failed to pass.

### RECONSIDERATION

Mr. Solon moved that the vote whereby H. F. No. 691 failed to pass the Senate on May 6, 1981, be now reconsidered. The motion prevailed.

Mrs. Brataas moved that H. F. No. 691 be stricken and placed on General Orders. The motion prevailed.

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.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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 or tobacco related devices; prescribing penalties; amending Minnesota Statutes 1980, Section 609.685.

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



The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bang	Berglin	Knoll	Moe, D. M.	Spear
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So the bill passed and its title was agreed to.

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.

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	Dieterich	Kronebusch	Peterson, C. C.	Solon
Bang	Engler	Langseth	Peterson, D. L.	Stern
Belanger	Frank	Lantry	Peterson, R. W.	Stokowski
Benson	Frederick	Lessard	Petty	Stumpf
Berg	Frederickson	Lindgren	Pillsbury	Taylor
Berglin	Hanson	Luther	Purfeerst	Tennesen
Bernhagen	Hughes	Menning	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
Davis	Knutson	Pehler	Sieloff	
Dicklich	Kroening	Penny	Sikorski	

Messrs. Davies and Spear voted in the negative.

So the bill passed and its title was agreed to.

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; proposing new law coded in Minnesota Statutes, Chapter 378.

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

Messrs. Davies and Keefe voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 980: A bill for an act relating to state lands; providing for the lease of certain lands to the city of Hastings.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Bernhagen	Davies	Frederickson	Tennessen
Berg	Bertram	Davis	Pehler	Ulland

So the bill passed and its title was agreed to.

H. F. No. 562: A bill for an act relating to agriculture; regulating fertilizers and soil and plant amendments; providing a penalty; amending Minnesota Statutes 1980, Sections 17.711; 17.713; 17.714; 17.716, by adding subdivisions; 17.717, Subdivisions 4, 5 and by adding a subdivision; 17.718, Subdivision 1; 17.719; 17.72; 17.721; 17.722; 17.723; 17.725; 17.726; 17.727; 17.728, Subdivision 1; 17.729; repealing Minnesota Statutes 1980, Section 17.717, Subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1243: A bill for an act relating to handicapped persons; providing that certain social services be available to recipients of attendant care; proposing new law coded in Minnesota Statutes, Chapter 256C.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Lindgren; Peterson, D. L. and Rued voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 921: A bill for an act relating to motor vehicles; adjusting bond provisions for dealers; requiring bonds for motorized bicycle dealers; amending Minnesota Statutes 1980, Section 168.27, Subdivision 24.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Berglin	Dahl	Engler	Hughes
Bang	Bernhagen	Davies	Frank	Humphrey
Belanger	Bertram	Davis	Frederick	Johnson
Benson	Brataas	Dicklich	Frederickson	Keefe
Berg	Chmielewski	Dieterich	Hanson	Knoll

Kroening	Moe, D. M.	Peterson, R. W.	Sieloff	Tennessen
Kronebusch	Moe, R. D.	Petty	Sikorski	Ulland
Langseth	Nelson	Pillsbury	Solon	Vega
Lantry	Olhoft	Ramstad	Spear	Waldorf
Lessard	Pehler	Renneke	Stern	Wegener
Lindgren	Penny	Rued	Stokowski	Willet
Luther	Peterson, C. C.	Schmitz	Stumpf	
Menning	Peterson, D. L.	Setzepfandt	Taylor	

So the bill passed and its title was agreed to.

H. F. No. 217: A bill for an act relating to state trails; authorizing the conveyance of certain lands acquired by the department of natural resources for trail purposes.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Dahl, Knoll and Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 182: A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

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 48 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Peterson, D. L.	Sieloff
Bang	Engler	Lantry	Peterson, R. W.	Sikorski
Belanger	Frederick	Lessard	Petty	Solon
Benson	Frederickson	Lindgren	Pillsbury	Stern
Berg	Hanson	Menning	Purfeerst	Taylor
Bernhagen	Hughes	Moe, R. D.	Ramstad	Tennessen
Bertram	Humphrey	Nelson	Renneke	Ulland
Brataas	Keefe	Olhoft	Rued	Wegener
Dahl	Knoll	Pehler	Schmitz	
Davies	Kronebusch	Peterson, C. C.	Setzepfandt	

Those who voted in the negative were:

Berglin	Frank	Luther	Spear	Vega
Chmielewski	Johnson	Moe, D. M.	Stokowski	Waldorf
Dicklich	Kroening	Penny	Stumpf	Willet
Dieterich				

So the bill passed and its title was agreed to.

S. F. No. 1084: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Moe, D. M.	Purfeerst	Stokowski
Belanger	Keefe	Moe, R. D.	Ramstad	Tennessen
Brataas	Knoll	Nelson	Rued	
Dicklich	Lantry	Peterson, R. W.	Sieloff	
Dieterich	Lessard	Petty	Sikorski	
Hanson	Luther	Pillsbury	Spear	

Those who voted in the negative were:

Ashbach	Davies	Knutson	Peterson, C. C.	Taylor
Benson	Davis	Kroening	Peterson, D. L.	Ulland
Berg	Engler	Kronebusch	Renneke	Vega
Berglin	Frank	Langseth	Schmitz	Waldorf
Bernhagen	Frederick	Menning	Setzepfandt	Wegener
Bertram	Frederickson	Olhoft	Solon	Willet
Chmielewski	Hughes	Pehler	Stern	
Dahl	Humphrey	Penny	Stumpf	

So the bill failed to pass.

## RECONSIDERATION

Mr. Frederick moved that the vote whereby S. F. No. 1084 failed to pass the Senate on May 6, 1981, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 48 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Knoll	Penny	Solon
Bang	Engler	Kronebusch	Peterson, R. W.	Spear
Belanger	Frank	Langseth	Petty	Stern
Benson	Frederick	Lantry	Pillsbury	Stokowski
Berg	Frederickson	Lessard	Purfeerst	Stumpf
Berglin	Hanson	Luther	Ramstad	Tennessen
Brataas	Hughes	Moe, D. M.	Schmitz	Ulland
Dahl	Humphrey	Moe, R. D.	Setzepfandt	Vega
Davies	Johnson	Nelson	Sieloff	
Dicklich	Keefe	Pehler	Sikorski	

Those who voted in the negative were:

Bernhagen	Knutson	Olhoft	Renneke	Waldorf
Bertram	Kroening	Peterson, C. C.	Rued	Wegener
Chmielewski	Menning	Peterson, D. L.	Taylor	Willet
Davis				

The motion prevailed.

Mr. Stern moved that S. F. No. 1084 be stricken and placed on General Orders. The motion prevailed.

H. F. No. 473: A bill for an act relating to energy; establishing rates and conditions of service for cogenerators and small power producers; proposing new law coded in Minnesota Statutes, Chapter 216B.

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 47 and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Brataas	Keefe	Pillsbury	Wegener
Bang	Engler	Knutson	Renneke	
Belanger	Frederick	Kronebusch	Rued	
Bernhagen	Frederickson	Peterson, D. L.	Setzepfandt	

So the bill passed and its title was agreed to.

S. F. No. 1079: A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; modifying the income taxation of deferred compensation contributions by certain city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 353.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brataas	Moe, D. M.	Setzepfandt	Vega	Willet
Dieterich	Peterson, C. C.	Sieloff		

So the bill passed and its title was agreed to.

H. F. No. 142: A bill for an act relating to taxation; real property; extending 3 classification to certain property used for recreational purposes; amending Minnesota Statutes 1980, Section 273.13, 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 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Davies and Dieterich voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1323: A bill for an act relating to local government; Lake County, Independent School District No. 381, and the town of Beaver Bay; providing for the valuation and assessment for property taxes of certain unique mining property.

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

Messrs. Davies and Peterson, D.L. voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1305: A bill for an act relating to the city of Duluth and the city of Cloquet and the city of Hermantown; providing tax and bond financing for the Duluth transit authority; extending the availability of an appropriation to the city of Cloquet for the purpose of constructing a water filtration plant; requiring the public utilities commission to set the terms for water service to be provided by the city of Duluth to the city of Hermantown unless the cities conclude a contract governing those services; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended; and Section 13.

With the unanimous consent of the Senate, Mr. Solon moved to amend S. F. No. 1305 as follows:

Pages 2 and 3, delete section 2

Page 3, line 33, delete "Subject to" and delete "each of"

Page 3, line 33, delete "sections" and insert "section"

Page 3, line 34, delete "and 2 each"

Page 3, line 35, delete "3" and insert "2"

Page 3, line 36, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing tax and bond"

Page 1, line 4, delete everything before "extending"

Page 1, line 12, delete "; and"

Page 1, line 13, delete "Section 13"

The motion prevailed. So the amendment was adopted.

S. F. No. 1305: A bill for an act relating to the city of Duluth and the city of Cloquet and the city of Hermantown; extending the availability of an appropriation to the city of Cloquet for the purpose of constructing a water filtration plant; requiring the public utilities commission to set the terms for water service to be provided by the city of Duluth to the city of Hermantown unless the cities conclude a contract governing those services; amending Laws 1969, Chapter 720, Section 11, Subdivision 1, as amended.



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

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

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Benson	Keefe	Olhoft	Peterson, D. L.
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So the bill, as amended, passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### CONFIRMATION

Mr. Spear moved that the report from the Committee on Public Employees and Pensions, reported May 5, 1981, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Spear moved that in accordance with the report from the Committee on Public Employees and Pensions, reported May 5, 1981, the Senate, having given its advice, do now consent to and confirm the appointment of:

### STATE BOARD OF INVESTMENT EXECUTIVE SECRETARY

Jonathan P. White, 1485 Transit Avenue, Roseville, Ramsey County, effective April 2, 1979, for an indeterminate term.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Peterson, R. W.	Stumpf
Bang	Frederickson	Menning	Petty	Taylor
Belanger	Hughes	Moe, D. M.	Pillsbury	Tennessen
Benson	Humphrey	Moe, R. D.	Ramstad	Willet
Berglin	Keefe	Nelson	Renneke	
Dahl	Knoll	Olhoft	Sieloff	
Davies	Kronebusch	Penny	Spear	
Engler	Lessard	Peterson, D. L.	Stern	

Those who voted in the negative were:

Bertram  
Davis  
Dicklich  
Dieterich

Frank  
Johnson  
Kroening  
Langseth

Lantry  
Pehler  
Peterson, C.C.  
Purfeerst

Schmitz  
Setzepfandt  
Sikorski  
Solon

Stokowski  
Ulland  
Vega

The motion prevailed. So the appointment was confirmed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

### SUSPENSION OF RULES

Without objection, the lie over requirement was suspended.

### CONSENT CALENDAR

S.F. No. 1237: A bill for an act relating to taxation; extending the special levy for shade tree disease control by two years; amending Minnesota Statutes 1980, Section 275.50, Subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach  
Bang  
Belanger  
Benson  
Berg  
Berglin  
Bernhagen  
Chmielewski  
Dahl  
Davies  
Davis  
Dicklich

Dieterich  
Engler  
Frank  
Frederick  
Frederickson  
Hanson  
Hughes  
Humphrey  
Johnson  
Keefe  
Knoll  
Kroening

Kronebusch  
Langseth  
Lantry  
Lessard  
Lindgren  
Luther  
Moe, D. M.  
Moe, R. D.  
Nelson  
Olhoft  
Pehler  
Penny

Peterson, D.L.  
Peterson, R.W.  
Petty  
Pillsbury  
Purfeerst  
Ramstad  
Renneke  
Schmitz  
Setzepfandt  
Sieloff  
Sikorski  
Spear

Stern  
Stokowski  
Stumpf  
Taylor  
Tennessee  
Ulland  
Vega  
Waldorf  
Wegener  
Willet

Messrs. Bertram and Peterson, C.C. voted in the negative.

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Vega, Knutson, Humphrey, Peterson, R.W. and Davis introduced—

S.F. No. 1405: A bill for an act relating to education; adjusting amounts used to compute replacement levies and foundation aid in districts where the

number of pupil units have increased in the 1980-1981 school year; amending Minnesota Statutes 1980, Section 124.212, by adding a subdivision.

Referred to the Committee on Education.

Mr. Sieloff introduced—

S.F. No. 1406: A bill for an act relating to liens for improvements made to real property; prescribing notice requirements to owners by subcontractors; defining owner; amending Minnesota Statutes 1980, Section 514.011, Subdivisions 2 and 5.

Referred to the Committee on Judiciary.

Mr. Langseth introduced—

S.F. No. 1407: A bill for an act relating to taxation; allowing home rule charter and statutory cities to impose a tax on the gross receipts from sales of lodging; proposing new law coded in Minnesota Statutes, Chapter 297A.

Referred to the Committee on Taxes and Tax Laws.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Davis in the chair.

After some time spent therein, the committee arose, and Mr. Davis reported that the committee had considered the following:

S. F. No. 659, which the committee recommends be returned to the Committee on Commerce.

S. F. No. 831, which the committee recommends be returned to the Committee on Commerce.

S. F. No. 287, which the committee recommends to pass with the following amendments offered by Mr. Waldorf:

Mr. Waldorf moved to amend S. F. No. 287 as follows:

Page 1, line 18, before "No" insert "*Notwithstanding the provisions of section 15.162, subdivision 4,*"

The motion prevailed. So the amendment was adopted.

Mr. Waldorf then moved to amend S. F. No. 287 as follows:

Page 2, after line 20, insert:

*"For the purposes of this section, "abortion" means the use of any means to terminate the pregnancy of a woman known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus, and "fetus" means any individual human organism from fertilization until birth."*

Page 2, line 35, delete "*shall be*" both times and insert "*is*" in both places

Page 2, line 36, delete "*grounds*" and insert "*ground*"

Page 3, line 2, after "*person*" insert "*establishes written evidence that the*

person"

Page 3, delete lines 3 and 4 and insert "*evidence sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with this section are bona fide and true, or if*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 46 and nays 11, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Langseth	Penny	Solon
Benson	Frederickson	Lantry	Peterson, C. C.	Stokowski
Berg	Hanson	Lessard	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Lindgren	Purfeerst	Vega
Bertram	Humphrey	Luther	Renneke	Waldorf
Chmielewski	Johnson	Menning	Rued	Wegener
Dahl	Keefe	Merriam	Schmitz	
Davis	Knoll	Moe, R. D.	Setzepfandt	
Dieterich	Kroening	Olhoff	Sieloff	
Engler	Kronebusch	Pehler	Sikorski	

Those who voted in the negative were:

Bang	Nelson	Petty	Ramstad	Tennessen
Davies	Peterson, R. W.	Pillsbury	Stern	Ulland
Dicklich				

The motion prevailed. So the amendment was adopted.

Mr. Waldorf then moved to amend S. F. No. 287 as follows:

Page 1, line 19, after "*minor*" insert "*woman who is unmarried and is living with her parent*"

Page 1, line 25, delete "(a)"

Page 2, line 1, delete "*and the putative father's parent*"

Page 2, line 2, delete "*parents*" and insert "*parent's*"

Page 2, line 4, delete "*or the putative father*"

Page 2, delete lines 5 to 9

Page 2, line 10, after "*the*" insert "*personal*" and delete "*clauses (a) and (b)*" and insert "*this subdivision*"

Page 2, line 12, delete "*in clauses (a) and (b)*"

Page 2, after line 12, insert:

"*After mailing, time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place.*"

Page 2, line 14, delete "*, or*"

Page 2, line 15, delete everything before "*if*"

Page 2, line 16, delete "*, or one parent of*"

Page 2, line 17, delete everything before the first "*if*"

Page 2, line 19, delete the last comma

Page 2, line 20, delete everything before "has"

Page 3, after line 6, insert:

*"Subd. 6. If subdivision 2 is temporarily or permanently restrained or enjoined by judicial order, this subdivision shall be enforced. If the restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, subdivision 2 shall be enforced and this subdivision shall not be enforced.*

*Notwithstanding the provisions of section 15.162, subdivision 4, no abortion operation shall be performed upon a minor woman who is unmarried and living with her parent or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered or judicial authorization obtained in the manner specified in this subdivision.*

*If the pregnant woman is unmarried and is living with her parent, the notice shall either be delivered personally to her parent or be delivered to the parents' usual places of abode and left with a person of suitable age and discretion residing therein other than the pregnant woman.*

*In lieu of the personal delivery required by this subdivision notice may be made by certified mail receipted for by the persons specified for delivery. After mailing, time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place.*

*(i) If the pregnant woman elects not to allow the notification of one or both of her parents or guardian or conservator, a judge of a court of competent jurisdiction shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion. If the judge determines that the pregnant woman is not mature, or if the pregnant woman does not claim to be mature, the judge shall determine whether performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests. The judge shall authorize a physician to perform the abortion without notification if the judge concludes that the pregnant woman's best interests would be served by the authorization.*

*(ii) The pregnant woman may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court appointed counsel, and shall, upon her request, provide her with appointed counsel.*

*(iii) Proceedings in the court under this section shall be confidential and shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant woman. A judge of the court who conducts proceedings under this section shall make written, specific factual findings and legal conclusions supporting his decision and shall order a record of the evidence to be maintained that includes his findings and conclusions.*

*(iv) An expedited confidential appeal shall be available to any pregnant woman for whom the court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification is not*

subject to appeal. No filing fees shall be required under this section of any pregnant woman at either the trial or the appellate level. Access to the trial court for the purposes of bringing a petition or motion, and access to the appellate courts for purposes of making an appeal from denial, shall be available to a pregnant woman 24 hours a day, seven days a week."

Mr. Stern requested division of the amendment as follows:

First portion:

Page 3, after line 6, insert:

"Subd. 6. If subdivision 2 is temporarily or permanently restrained or enjoined by judicial order, this subdivision shall be enforced. If the restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, subdivision 2 shall be enforced and this subdivision shall not be enforced.

Notwithstanding the provisions of section 15.162, subdivision 4, no abortion operation shall be performed upon a minor woman who is unmarried and living with her parent or upon a woman for whom a guardian or conservator has been appointed pursuant to sections 525.54 to 525.551 because of a finding of incompetency, until at least 48 hours after written notice of the pending operation has been delivered or judicial authorization obtained in the manner specified in this subdivision.

If the pregnant woman is unmarried and is living with her parent, the notice shall either be delivered personally to her parent or be delivered to the parents' usual places of abode and left with a person of suitable age and discretion residing therein other than the pregnant woman.

In lieu of the personal delivery required by this subdivision notice may be made by certified mail receipted for by the persons specified for delivery. After mailing, time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place.

(i) If the pregnant woman elects not to allow the notification of one or both of her parents or guardian or conservator, a judge of a court of competent jurisdiction shall, upon petition or motion, and after an appropriate hearing, authorize a physician to perform the abortion if the judge determines that the pregnant woman is mature and capable of giving informed consent to the proposed abortion. If the judge determines that the pregnant woman is not mature, or if the pregnant woman does not claim to be mature, the judge shall determine whether performance of an abortion upon her without notification of her parent, guardian, or conservator would be in her best interests. The judge shall authorize a physician to perform the abortion without notification if the judge concludes that the pregnant woman's best interests would be served by the authorization.

(ii) The pregnant woman may participate in proceedings in the court on her own behalf, and the court may appoint a guardian ad litem for her. The court shall, however, advise her that she has a right to court appointed counsel, and shall, upon her request, provide her with appointed counsel.

(iii) Proceedings in the court under this section shall be confidential and shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay so as to serve the best interests of the pregnant woman. A judge of the court who conducts proceedings under this

section shall make written, specific factual findings and legal conclusions supporting his decision and shall order a record of the evidence to be maintained that includes his findings and conclusions.

(iv) An expedited confidential appeal shall be available to any pregnant woman for whom the court denies an order authorizing an abortion without notification. An order authorizing an abortion without notification is not subject to appeal. No filing fees shall be required under this section of any pregnant woman at either the trial or the appellate level. Access to the trial court for the purposes of bringing a petition or motion, and access to the appellate courts for purposes of making an appeal from denial, shall be available to a pregnant woman 24 hours a day, seven days a week."

Second portion:

Page 1, line 19, after "minor" insert "woman who is unmarried and is living with her parent"

Page 1, line 25, delete "(a)"

Page 2, delete lines 5 to 9

Page 2, line 10, after "the" insert "personal" and delete " clauses (a) and (b)" and insert "this subdivision"

Page 2, line 12, delete "in clauses (a) and (b)"

Third portion:

Page 2, line 1, delete "and the putative father's parent"

Page 2, line 2, delete "parents" and insert "parent's"

Page 2, line 4, delete "or the putative father"

Page 2, after line 12, insert:

"After mailing, time of delivery shall be deemed to occur at 12 o'clock noon on the next day on which regular mail delivery takes place."

Page 2, line 14, delete " or"

Page 2, line 15, delete everything before "if"

Page 2, line 16, delete " or one parent of"

Page 2, line 17, delete everything before the first "if"

Page 2, line 19, delete the last comma

Page 2, line 20, delete everything before "has"

Ms. Berglin moved to amend the first portion of the Waldorf amendment to S. F. No. 287 as follows:

Page 3 of the Waldorf amendment, after line 26, insert:

"Subd. 7. [REIMBURSEMENT FOR COURT COSTS.] Any costs incurred by a county for actions arising as a result of the requirements of this section shall be reimbursed to the county by the state with money from the general fund."

Amend the title of S. F. No. 287 as follows:

Page 1, line 4, after the semicolon, insert "providing reimbursement to the county for certain costs;"

The question was taken on the adoption of the Berglin amendment to the Waldorf amendment.

The roll was called, and there were yeas 13 and nays 48, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Peterson, R. W.	Spear	Ulland
Davies	Moe, D. M.	Petty	Stern	
Dicklich	Nelson	Pillsbury	Tennessee	

Those who voted in the negative were:

Ashbach	Frank	Kroening	Pehler	Sieloff
Belanger	Frederick	Langseth	Penny	Sikorski
Benson	Frederickson	Lantry	Peterson, C. C.	Solon
Berg	Hanson	Lessard	Peterson, D. L.	Stokowski
Bernhagen	Hughes	Lindgren	Purfeerst	Stumpf
Bertram	Humphrey	Luther	Ramstad	Taylor
Brataas	Johnson	Menning	Renneke	Vega
Chmielewski	Keefe	Merriam	Rued	Waldorf
Davis	Knoll	Moe, R. D.	Schmitz	
Engler	Knutson	Olhoft	Setzeplandt	

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

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

The roll was called, and there were yeas 50 and nays 13, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Kroening	Pehler	Schmitz
Benson	Frederick	Kronebusch	Penny	Sieloff
Berg	Frederickson	Langseth	Peterson, C. C.	Sikorski
Bernhagen	Hanson	Lantry	Peterson, D. L.	Solon
Bertram	Hughes	Lessard	Peterson, R. W.	Stokowski
Chmielewski	Humphrey	Lindgren	Petty	Stumpf
Dahl	Johnson	Luther	Purfeerst	Taylor
Davies	Keefe	Menning	Ramstad	Vega
Davis	Knoll	Merriam	Renneke	Waldorf
Engler	Knutson	Olhoft	Rued	Willet

Those who voted in the negative were:

Ashbach	Brataas	Moe, D. M.	Spear	Ulland
Bang	Dicklich	Nelson	Stern	
Berglin	Dieterich	Pillsbury	Tennessee	

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

The question was taken on the adoption of the second portion of the Waldorf amendment. The motion prevailed. So the second portion of the amendment was adopted.

The question was taken on the adoption of the third portion of the Waldorf amendment.

The roll was called, and there were yeas 47 and nays 17, as follows:

Those who voted in the affirmative were:



Belanger	Engler	Kronebusch	Peterson, C. C.	Stumpf
Benson	Frank	Langseth	Peterson, D. L.	Taylor
Berg	Frederickson	Lantry	Purfeerst	Ulland
Bernhagen	Hanson	Lessard	Ramstad	Vega
Bertram	Humphrey	Lindgren	Renneke	Waldorf
Chmielewski	Johnson	Menning	Rued	Wegener
Dahl	Keefe	Merriam	Schmitz	Willet
Davies	Knoll	Olhoft	Sieloff	
Davis	Knutson	Pehler	Solon	
Dieterich	Kroening	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Dicklich	Moe, R. D.	Pillsbury	Tennessen
Bang	Hughes	Nelson	Sikorski	
Berglin	Luther	Peterson, R. W.	Spear	
Brataas	Moe, D. M.	Petty	Stern	

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

Mr. Stern moved to amend S. F. No. 287 as follows:

Page 2, after line 9, insert:

*"Personal delivery of the notice shall be made by or accompanied by a qualified counselor who can offer immediate short-term counseling and support to the minor woman and her parent."*

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 49, as follows:

Those who voted in the affirmative were:

Berglin	Johnson	Moe, R. D.	Petty	Spear
Dicklich	Luther	Nelson	Pillsbury	Stern
Dieterich	Moe, D. M.	Peterson, R. W.	Solon	

Those who voted in the negative were:

Ashbach	Davies	Knoll	Olhoft	Sieloff
Bang	Davis	Knutson	Pehler	Sikorski
Belanger	Engler	Kroening	Penny	Stokowski
Benson	Frank	Kronebusch	Peterson, C. C.	Stumpf
Berg	Frederick	Langseth	Purfeerst	Taylor
Bernhagen	Frederickson	Lantry	Ramstad	Ulland
Bertram	Hanson	Lessard	Renneke	Vega
Brataas	Hughes	Lindgren	Rued	Waldorf
Chmielewski	Humphrey	Menning	Schmitz	Willet
Dahl	Keefe	Merriam	Setzpfandt	

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

Mr. Stern then moved to amend S. F. No. 287 as follows:

Amend the title as follows:

Page 1, line 4, after "persons" insert "", with the intent to prevent the abortions"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 50, as follows:

Those who voted in the affirmative were:

Bang  
Berglin  
Brataas

Dicklich  
Moe, D. M.

Nelson  
Peterson, R. W.

Petty  
Pillsbury

Stern  
Tennessee

Those who voted in the negative were:

Ashbach	Engler	Knutson	Pehler	Sikorski
Belanger	Frank	Kroening	Penny	Solon
Benson	Frederick	Kronebusch	Peterson, C. C.	Spear
Berg	Frederickson	Langseth	Purfeerst	Stokowski
Bernhagen	Hanson	Lantry	Ramstad	Stumpf
Bertram	Hughes	Lessard	Renneke	Taylor
Chmielewski	Humphrey	Lindgren	Rued	Ulland
Dahl	Johnson	Luther	Schmitz	Vega
Davies	Keefe	Menning	Setzepfandt	Waldorf
Davis	Knoll	Olhoft	Sieloff	Willett

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

Mr. Waldorf moved to amend S. F. No. 287 as follows:

Page 1, line 26, delete "either" and insert "*be addressed to the parent at his usual place of abode and shall*"

Page 2, line 1, delete everything after the first "parent"

Page 2, delete lines 2 to 4 and insert "*by the physician or his agent.*"

Page 2, line 11, delete "may" and insert "*shall*"

Page 2, line 11, delete everything after "mail"

Page 2, delete line 12 and insert "*addressed to the parent at his usual place of abode with return receipt requested and restricted delivery to the addressee so that the postal employee shall only deliver the mail to the authorized addressee.*"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 287.

The roll was called, and there were yeas 50 and nays 16, as follows:

Those who voted in the affirmative were:

Belanger	Frederick	Kronebusch	Pehler	Sieloff
Benson	Frederickson	Langseth	Penny	Sikorski
Berg	Hanson	Lantry	Peterson, C. C.	Solon
Bernhagen	Hughes	Lessard	Peterson, D. L.	Stokowski
Bertram	Humphrey	Lindgren	Purfeerst	Stumpf
Chmielewski	Johnson	Luther	Ramstad	Taylor
Dahl	Keefe	Menning	Renneke	Vega
Davies	Knoll	Merriam	Rued	Waldorf
Engler	Knutson	Moe, R. D.	Schmitz	Wegener
Frank	Kroening	Olhoft	Setzepfandt	Willett

Those who voted in the negative were:

Ashbach	Davies	Moe, D. M.	Petty	Stern
Bang	Dicklich	Nelson	Pillsbury	Tennessee
Berglin	Dieterich	Peterson, R. W.	Spear	Ulland
Brataas				

The motion prevailed. So S. F. No. 287 was recommended to pass.

On motion of Mr. Moe, R. D., the report of the Committee of the Whole, as

kept by the Secretary, was adopted.

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 326 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 326 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1981

### CONFERENCE COMMITTEE REPORT ON 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.

May 5, 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. 326, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 326 be further amended as follows:

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

Page 2, line 3, delete "18" and insert "12"

Page 2, line 6, after "1," insert "*or for services of an intermediate care facility, level 1, for not more than 120 days in a year,*"

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 that 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.]

*A 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 the property while receiving assistance under sections 62E.51 to 62E.55 without receiving a reasonable consideration for it is 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, line 6, delete “Sec. 5.” and insert “Sec. 6.”

Page 3, after line 18, insert:

“Sec. 7. Minnesota Statutes 1980, Section 62E.54, is amended by adding a subdivision to read:

*Subd. 3. [TRANSFERS PROHIBITED.] The commissioner shall make no transfers between appropriations for the payment of health services under the provisions of sections 62E.51 to 62E.55 and appropriations for 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 19, delete “6” and insert “9”

Page 3, line 22, delete “5” and insert “8”

Amend the title as follows:

Page 1, line 7, after “2” insert “; 62E.54, by adding a subdivision; and 256.98; proposing new law coded in Minnesota Statutes, Chapter 62E”

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

House Conferees: (Signed) James C. Swanson, Lyndon R. Carlson, Robert W. Reif

Senate Conferees: (Signed) Gerry Sikorski, Howard A. Knutson, Tom Nelson

Mr. Sikorski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 326 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. 326 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 55 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Kronebusch	Peterson, D. L.	Rued	Taylor
Frederickson	Lindgren	Pillsbury	Sieloff	

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dieterich moved that H. F. No. 70 be taken from the table. The motion prevailed.

## SUSPENSION OF RULES

Mr. Dieterich moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 70 and that the rules of the Senate be so far suspended as to give H. F. No. 70 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 70: A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the state board of education and others; replacing AVTI capital expenditure aid with AVTI equipment

aid and AVTI repair and betterment aid; requiring a legislative study of curriculum implications of secondary vocational education aid; providing a new aid and levy authorization for certain capital expenditures; changing the preschool screening program from mandatory to optional; limiting participation in teacher mobility programs; decreasing the state's obligations and changing eligibility standards for the maximum effort school aid program; appropriating money; amending Minnesota Statutes 1980, Sections 3.9278, Subdivision 1; 3.9279, Subdivisions 10 and 12; 120.17, Subdivisions 3, 3b, 4, 5a, 6, 7 and by adding a subdivision; 121.904, Subdivision 7; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 122.22, Subdivisions 3, 4, 5, 8, 9, 11, 13, 14, 20 and by adding a subdivision; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.702, Subdivision 1; 123.703, Subdivision 3; 123.705; 123.937; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b, 2c and by adding a subdivision; 124.14, Subdivisions 3, 4 and by adding a subdivision; 124.17, Subdivisions 2, 2c and by adding a subdivision; 124.20; 124.212, Subdivisions 1, 5a, 7d, 8a, 9a and by adding a subdivision; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.245, Subdivisions 1, 2 and by adding a subdivision; 124.247, Subdivisions 3 and 5; 124.26, Subdivisions 3, 4 and by adding subdivisions; 124.271, Subdivision 2; 124.32, Subdivisions 1a, 1b, 6, 9 and by adding a subdivision; 124.38, Subdivision 7; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.562, by adding a subdivision; 124.5621, Subdivisions 2, 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 3, 4 and 5; 124.5624; 124.565, Subdivisions 3, 4, 6 and 7; 124.566; 124.572, Subdivision 8 and by adding subdivisions; 124.573, Subdivisions 2, 3a, 5 and by adding a subdivision; 124.574, Subdivisions 2 and 4; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 5, 8, 9 and 10; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 275.125, Subdivisions 2a, 2c, 6b, 6c, 7a, 7b, 8, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivisions 1, 2, 3 and by adding a subdivision; 354.66, Subdivision 9; 354A.091, Subdivisions 1, 2, 3 and by adding a subdivision; 354A.094, Subdivision 9; 375.335, Subdivision 4 and by adding subdivisions; Laws 1967, Chapter 822, Section 1, as amended; proposing new law coded in Minnesota Statutes, Chapters 120; and 124; repealing Minnesota Statutes 1980, Sections 3.9279, Subdivision 13; 120.17, Subdivision 3c; 122.22, Subdivisions 10, 12, 15 and 16; 123.40, Subdivision 5; 124.212, Subdivisions 6c and 7c; 124.225, Subdivisions 4, 7 and 8; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.571; 126.268, Subdivision 1; 126.52, Subdivision 12; 275.125, Subdivisions 2b and 14.

H. F. No. 70 was read the second time.

Mr. Dieterich moved to amend H.F. No. 70 as follows:

Delete everything after the enacting clause, and delete the title, of H. F. No. 70, and insert the language after the enacting clause, and the title, of S. F. No. 150, the Second Engrossment.

The motion prevailed. So the amendment was adopted.

Mr. Ashbach imposed a call of the Senate and requested that a record be

made of those present.

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

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

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

Mr. Peterson, D.L. moved to amend H. F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 150.)

Page 2, line 43, delete "\$1,310" and insert "\$1,354"

Page 2, line 45, delete "\$1,348" and insert "\$1,443"

Page 4, after line 15, insert:

"Sec. 7. Minnesota Statutes 1980, Section 124.17, Subdivision 1, is amended to read:

Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 shall be counted as an additional five-tenths pupil unit. By March 1 of each year the department of public welfare shall certify to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children who were enrolled in the school

district on the preceding October 1 which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2) and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents.

(6)(Expired)

(7)(Expired)

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

*(9) Students from families receiving aid to families with dependent children or its successor program, shall be counted as the number of pupil units computed in clauses (4) and (5) of this subdivision, averaged over the current and three prior years."*

Page 6, line 15, delete "\$1,310" and insert "\$1,354"

Page 6, line 16, strike "(4)" and "(5)" and insert "(9)"

Page 7, lines 5, 8, 14, 19, and 33, strike "(4)" and "(5)" and insert "(9)"

Page 8, line 10, strike "(4)" and "(5)" and insert "(9)"

Page 8, line 27, delete "\$1,348" and insert "\$1,443"

Page 8, line 29, delete "(4)" and "(5)" and insert "(9)"

Page 9, lines 16, 19 and 26, delete "(4)" and "(5)" and insert "(9)"

Page 9, line 29, delete "\$1,348" and insert "\$1,443"

Page 10, lines 6 and 18, delete "(4)" and "(5)" and insert "(9)"

Page 12, after line 5, insert:

"Sec. ... Minnesota Statutes 1980, Section 124.245, Subdivision 2, is amended to read:

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4), (5), (6), and~~



(7), and (9). Beginning in the 1980-1981 school year, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9); provided that notwithstanding the expiration of Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clauses (6) and (7), pupil units identified in those clauses shall also be included for purposes of the computation of capital expenditure aid for the 1980-1981 school year."

Page 15, line 7, delete "(4)" and "(5)" and insert "(9)"

Page 16, lines 4 and 8, strike "(4)" and "(5)" and insert "(9)"

Page 18, line 31, strike "(4)" and "(5)" and insert "(9)"

Page 21, after line 18, insert:

"Sec. ... Minnesota Statutes 1980, Section 275.125, Subdivision 7b, is amended to read:

Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in subdivision 7a and by the corresponding portion of foundation aid provided in section 124.212, subdivisions 7c, clause (5), and 7d, clause (5), be used to improve instructional programs in grades kindergarten through 12 and not be used to increase a district's balance in all operating funds above \$165 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9).

(2) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause (2), part (a), of that subdivision, and where the net unappropriated fund balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the balance in all operating funds by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

No levy reduction pursuant to this clause, however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting \$165 from the quotient obtained by dividing the total amount of the net unappropriated balance in all operating funds of the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) In any district where the maximum permissible levy pursuant to sub-

division 7a in 1981 or in any year thereafter is determined according to clause (2), part (b), of that subdivision, and where the net unappropriated balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by the total amount of the increase in the balance in all operating funds. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting

(a) the product obtained by multiplying \$165 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and ~~(5)~~ (9), in the district in the year when the levy is certified, from

(b) the total amount of the net unappropriated balance in all operating funds in the district as of the June 30 before the levy is certified."

Page 31, line 17, delete "\$717,500,000" and insert "\$724,750,000"

Page 31, line 19, delete "\$648,750,000" and insert "\$663,450,000"

Page 31, line 21, delete "\$632,100,000" and insert "\$671,570,000"

Page 31, line 22, delete "\$75,700,000" and insert "\$67,505,000"

Page 31, line 23, delete "\$556,400,000" and insert "\$604,065,000"

Page 62, after line 3, insert a section to read:

"Sec. 20. [DEFICIENCY APPROPRIATION.]

(a) *The sum of \$2,250,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for special education aid for fiscal year 1980. This appropriation shall be added to the amounts appropriated for special education aid for fiscal year 1981 in Laws 1979, Chapter 334, Article III, Section 21, Subdivision 2, clause (b).*

(b) *The sum of \$5,695,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982, for the payment of a deficiency in funds available for special education aid for fiscal year 1981. This appropriation shall be added to the amounts appropriated for special education aid for fiscal year 1981 in Laws 1979, Chapter 334, Article III, Section 21, Subdivision 3, clause (a)."*

Page 62, line 28, delete "\$8,670,700" and insert "\$16,285,000"

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, line 30, after "124.17," insert "Subdivision 1, and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Rued moved to amend H.F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 150.)

Page 2, line 43, delete "\$1,310" and insert "\$1,330"

Page 2, line 45, delete "\$1,348" and insert "\$1,381"

Page 4, after line 15, insert:

"Sec. 7. Minnesota Statutes 1980, Section 124.17, Subdivision 1, is amended to read:

Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 shall be counted as an additional five-tenths pupil unit. By March 1 of each year the department of public welfare shall certify to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children who were enrolled in the school district on the preceding October 1 which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids

may be paid concurrently with other foundation aids-

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2) and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents.

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit."

Page 6, line 15, delete "\$1,310" and insert "\$1,330"

Page 8, line 2, strike the period and insert "; plus

(6) [AFDC FOUNDATION AID.] An amount equal to 105 percent of

(a) \$1,265 times the arithmetic average of the ratio of the number of pupil units identified in section 124.17, subdivision 1, clauses (4) and (5), as compiled in Minnesota Statutes 1980, to the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in the 1978-1979, 1979-1980 and 1980-1981 school years, times

(b) the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in the 1981-1982 school year."

Page 8, line 3, strike "(6)" and insert "(7)"

Page 8, line 27, delete "\$1,348" and insert "\$1,381"

Page 9, line 29, delete "\$1,348" and insert "\$1,381"

Page 10, line 10, delete the period and insert "; plus

(6) [AFDC FOUNDATION AID.] An amount equal to the ratio of \$1,381 to \$1,265 times

(a) the amount derived in subdivision 7d, clause (6)(a), times

(b) the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in the 1982-1983 school year."

Page 10, line 11, delete "(6)" and insert "(7)"

Page 31, after line 5, insert:

"Sec. 26. [LEVY ADJUSTMENTS.]

The department of education shall recompute every district's 1980 payable 1981 levy limitations pursuant to Minnesota Statutes 1980, Section 275.125,

Subdivisions 6c, 7a, and 2b or 2c, as applicable, excluding pupil units identified in Minnesota Statutes, Section 124.17, Subdivision 1, Clauses (4) and (5), from the computations. The department shall subtract an amount equal to the difference between the district's actual 1980 payable 1981 levy pursuant to any of those subdivisions and the recomputed limitation, from the corresponding 1981 payable 1982 levy limitation computed for the district pursuant to Minnesota Statutes, Section 275.125, Subdivisions 6c, 7a, and 2a, 2b or 2c, as applicable.

#### Sec. 27. [AFDC PUPIL UNITS ELIMINATED.]

In 1981 and each year thereafter no district may include pupil units identified in section 124.17, subdivision 1, clauses (4) or (5) in the calculation of its levy as authorized in Minnesota Statutes, Section 275.125, Subdivisions 2b, 2c, 6b, 6c, 7a, 7b and 11a.

#### Sec. 28. [INSTRUCTION TO THE REVISOR.]

In the Minnesota Statutes, 1981 Supplement and subsequent editions of Minnesota Statutes, the revisor of statutes shall change references to "section 124.17, subdivision 1, clauses (1), (2), (4) and (5)" to "section 124.17, subdivision 1, clauses (1) and (2)" in Minnesota Statutes, Sections 124.212, Subdivision 7d and 275.125, Subdivisions 2b, 2c, 6b, 6c, 7a, 7b and 11a."

Page 31, line 17, delete "\$717,500,000" and insert "\$736,026,500"

Page 31, line 19, delete "\$648,750,000" and insert "\$667,276,500"

Page 31, line 21, delete "\$632,100,000" and insert "\$658,757,850"

Page 31, line 22, delete "\$75,700,000" and insert "\$77,758,000"

Page 31, line 23, delete "\$556,400,000" and insert "\$580,999,850"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "removing certain pupil units from the calculation of school aids and levies; adjusting certain school district levies;"

Page 1, line 31, before "by" insert "Subdivision 1, and"

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Taylor moved to amend H. F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 150.)

Page 2, line 43, delete "\$1,310" and insert "\$1,317"

Page 2, line 45, delete "\$1,348" and insert "\$1,355"

Page 4, after line 15, insert:

"Sec. 7. Minnesota Statutes 1980, Section 124.17, Subdivision 1, is amended to read:

Subdivision 1. Pupil units for each resident pupil in average daily membership shall be counted as follows:

(1) In an elementary school:

(a) For each handicapped pre-kindergarten pupil and each handicapped kindergarten pupil, as defined in section 120.03, enrolled in a program approved by the commissioner, a number of pupil units equal to the ratio of the number of hours of education services required in the school year by the pupil's individual education program plan, developed pursuant to the rules of the state board, to 875, but not more than one pupil unit;

(b) For kindergarten pupils, other than those in clause (a), enrolled in one-half day sessions throughout the school year or the equivalent thereof, one-half pupil unit; and

(c) For other elementary pupils, one pupil unit.

(2) In secondary schools, one and four-tenths pupil units. Pupils enrolled in the seventh and eighth grades of any school shall be counted as secondary pupils.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 shall be counted as an additional five-tenths pupil unit. By March 1 of each year the department of public welfare shall certify to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children who were enrolled in the school district on the preceding October 1 which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no

additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5). Such weighting shall be in addition to the weighting provided in clauses (1), (2) and (4). School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to primary grade programs and services, particularly to programs and services that involve participation of parents.

(6)(Expired)

(7)(Expired)

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance-cost per pupil unit.

*(9) Students from families receiving aid to families with dependent children or its successor program, shall be counted as the number of pupil units computed in clauses (4) and (5) of this subdivision, averaged over the current and three prior years."*

Page 6, line 15, delete "\$1,310" and insert "\$1,317"

Page 6, line 16, strike "(4)" and "(5)" and insert "(9)"

Page 7, lines 5, 8, 14, 19, and 33, strike "(4)" and "(5)" and insert "(9)"

Page 8, line 10, strike "(4)" and "(5)" and insert "(9)"

Page 8, line 27, delete "\$1,348" and insert "\$1,355"

Page 8, line 29, delete "(4)" and "(5)" and insert "(9)"

Page 9, lines 16, 19 and 26, delete "(4)" and "(5)" and insert "(9)"

Page 9, line 29, delete "\$1,348" and insert "\$1,355"

Page 10, lines 6 and 18, delete "(4)" and "(5)" and insert "(9)"

Page 12, after line 5, insert:

"Sec. ... Minnesota Statutes 1980, Section 124.245, Subdivision 2, is amended to read:

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4), (5),~~ (6), and (7), and (9). Beginning in the 1980-1981 school year, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9); provided that notwithstanding the expiration of Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clauses (6) and (7), pupil units identified in those clauses shall also be included for purposes of the computation of capital expenditure aid for the 1980-1981 school year."

Page 15, line 7, delete "(4)" and "(5)" and insert "(9)"

Page 16, lines 4 and 8, strike "(4)" and "(5)" and insert "(9)"

Page 18, line 31, strike "(4)" and "(5)" and insert "(9)"

Page 21, after line 18, insert:

"Sec. ... Minnesota Statutes 1980, Section 275.125, Subdivision 7b, is

amended to read:

Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in subdivision 7a and by the corresponding portion of foundation aid provided in section 124.212, subdivisions 7c, clause (5), and 7d, clause (5), be used to improve instructional programs in grades kindergarten through 12 and not be used to increase a district's balance in all operating funds above \$165 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9).

(2) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause (2), part (a), of that subdivision, and where the net unappropriated fund balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the balance in all operating funds by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

No levy reduction pursuant to this clause, however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting \$165 from the quotient obtained by dividing the total amount of the net unappropriated balance in all operating funds of the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause (2), part (b), of that subdivision, and where the net unappropriated balance in all operating funds has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by the total amount of the increase in the balance in all operating funds. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting

(a) the product obtained by multiplying \$165 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), ~~(4)~~ and ~~(5)~~ (9), in the district in the year when the levy is certified, from

(b) the total amount of the net unappropriated balance in all operating funds



in the district as of the June 30 before the levy is certified."

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, line 30, after "124.17," insert "Subdivision I, and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 45, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Lindgren moved to amend H.F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 150.)

Page 2, line 43, delete "\$1,310" and insert "\$1,338"

Page 2, line 45, delete "\$1,348" and insert "\$1,380"

Pages 4 to 6, delete sections 7 and 8

Page 6, line 15, delete "\$1,310" and insert "\$1,338"

Page 8, line 27, delete "\$1,348" and insert "\$1,380"

Page 8, delete lines 35 and 36

Page 9, delete lines 1 to 19

Renumber the clauses in sequence

Page 9, line 29, delete "\$1,348" and insert "\$1,380"

Page 15, line 34, strike "the"

Page 15, strike line 35

Page 15, line 36, delete "(1)" and strike "the lesser of"

Page 16, line 1, delete "(a)" and strike "one or"

Page 16, line 2, delete "(b)" and strike the remaining language

Page 16, strike lines 3 to 9

Page 16, line 10, delete "(2)"

Page 16, line 11, delete "(a)" and insert "(1)"

Page 16, line 13, delete "(b)" and insert "(2)"

Page 16, line 14, delete "(i)" and insert "(a)"

Page 16, line 17, delete "(ii)" and insert "(b)"

Page 31, line 9, delete "Section" and insert "Sections 124.20 and"

Page 31, line 17, delete "\$717,500,000" and insert "\$740,054,000"

Page 31, line 19, delete "\$648,750,000" and insert "\$671,304,000"

Page 31, line 21, delete "\$632,100,000" and insert "\$663,049,605"

Page 31, line 22, delete "\$75,700,000" and insert "\$78,206,000"

Page 31, line 23, delete "\$556,400,000" and insert "\$584,843,605"

Page 31, delete lines 25 to 30

Renumber the remaining subdivision

Page 34, strike lines 9 to 11

Page 34, line 12, strike "(9)" and insert "(8)"

Page 34, line 18, strike "(10)" and insert "(9)"

Page 34, line 22, delete "(11)" and insert "(10)"

Page 35, strike line 29

Page 35, line 30, strike "program"

Page 50, line 14, strike "Notwithstanding"

Page 50, strike lines 15 and 16

Page 50, line 17, strike "apply for"

Page 50, line 18, strike "special" and "aid" and delete "education" and "and"

Page 50, line 19, strike "foundation aid" and the period and delete "for the summer program"

Page 50, line 23, strike "unreimbursed"

Page 56, strike lines 31 to 33

Page 56, line 34, strike "(9)" and insert "(8)"

Page 57, line 4, strike "(10)" and insert "(9)"

Page 57, line 9, delete "AID"

Page 57, delete lines 10 to 36

Page 58, delete lines 1 to 36

Page 59, delete lines 1 to 7

Page 59, line 8, delete everything before "A school"

Page 59, after line 34, insert:

"Sec. 14. Minnesota Statutes 1980, Section 124.32, Subdivision 1b, is amended to read:

Subd. 1b. (1) For special instruction or training and services provided for any pupil pursuant to section 120.17, subdivision 2, clause (h), by contract with public, private or voluntary agencies other than Minnesota school districts, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil or a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis.

(2) ~~For special instruction or training and services provided for a pupil by such a contract as part of a summer school program, the state shall pay each district 60 percent of the difference between the amount of the contract and the foundation aid received by the district for that pupil pursuant to section 124.20, or a pro rata portion of that foundation aid for a pupil who receives services by such a contract on less than a full time summer school basis. This clause shall be effective for the 1977 summer school and thereafter.~~

Page 61, delete section 18

Page 62, line 3, delete "and" and insert "124.32, Subdivision 10;" and after "126.263" insert "; and 126.54"

Page 62, delete lines 10 to 21

Page 62, delete lines 33 to 35

Page 63, line 1, delete "(d)" and insert "(c)"

Page 63, line 7, before "(c)" insert "or"

Page 63, line 7, delete "or (d)"

Page 63, delete lines 20 to 22

Page 63, line 24, delete "(d)" and insert "(c)"

Page 63, line 27, before "(c)" insert "or"

Page 63, line 28, delete "or (d)"

Page 63, delete lines 30 to 36

Page 64, delete lines 1 to 8

Page 64, line 15, delete the commas and after "2" insert "and"

Page 64, line 16, delete "4 and 5"

Renumber the subdivisions in sequence

Page 94, delete lines 7 to 13

Renumber the subdivisions in sequence

Pages 97 to 105, delete sections 4 to 19

Pages 106 to 107, delete section 22

Pages 113 to 115, delete section 36

Page 115, line 5, delete the comma after "13" and insert "; 123.701;

123.702; 123.703; 123.704; 123.705;"

Page 115, delete lines 11 to 15

Page 117, delete lines 12 to 18

Page 118, delete lines 19 to 36

Page 119, delete lines 1 to 36

Page 120, delete lines 1 to 13

Page 120, line 21, delete everything after "subdivisions" and insert "4, 7, 8, 9, 10, 11, 12, 15, 16 and 17"

Page 120, line 22, delete ", and 19"

Page 120, line 23, delete "5, 8, 9" and insert "4, 7, 8,"

Page 120, line 24, delete everything before "shall" and insert "9, 10, 11, 12, 15, 16 and 17"

Page 120, delete lines 26 and 27

Renumber the subdivisions in sequence

Page 138, lines 10 and 11, delete "123.703, Subdivision 3;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after the semicolon

Page 1, delete line 9

Page 1, line 10, delete "project;"

Page 1, line 28, delete "123.705;"

Page 1, lines 30 and 31, delete "124.17, by adding a subdivision; 124.20;"

Page 1, line 37, after "1," insert "1b,"

Page 2, line 5, delete "126.54, Subdivision 1;"

Page 2, line 14, delete "3;"

Page 2, line 19, delete "123.703, Subdivision 3" and insert "123.701 to 123.705"

Page 2, line 19, after the last semicolon insert "124.20;"

Page 2, line 21, after the last semicolon insert "124.32, Subdivision 10;"

Page 2, line 23, after "126.263;" insert "126.54;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 46, as follows:

Those who voted in the affirmative were:

Ashbach  
Bang  
Belanger  
Benson

Berg  
Bernhagen  
Brataas  
Engler

Frederick  
Frederickson  
Keefe  
Kronebusch

Lindgren  
Peterson, D.L.  
Pillsbury  
Ramstad

Renneke  
Rued  
Sieloff

Those who voted in the negative were:

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

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

Mr. Ramstad moved to amend H.F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 150.)

Page 2, line 43, delete "\$1,310" and insert "\$1,335"

Page 2, line 45, delete "\$1,348" and insert "\$1,378"

Page 6, line 15, delete "\$1,310" and insert "\$1,335"

Page 8, line 27, delete "\$1,348" and insert "\$1,378"

Page 9, line 29, delete "\$1,348" and insert "\$1,378"

Page 31, line 17, delete "\$717,500,000" and insert "\$737,637,500"

Page 31, line 19, delete "\$648,750,000" and insert "\$668,887,500"

Page 31, line 21, delete "\$632,100,000" and insert "\$656,701,000"

Page 31, line 22, delete "\$75,700,000" and insert "\$77,937,500"

Page 31, line 23, delete "\$556,400,000" and insert "\$578,763,500"

Page 138, after line 6, insert:

"Sec. 31. Laws 1981, Chapter 1, Section 1, Subdivision 1, is amended to read:

Subdivision 1. [PAYMENT REQUIRED.] *Beginning in 1981, notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981 each year, the commissioner of finance shall draw warrants for one-quarter of any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.*

Sec. 32. Laws 1981, Chapter 1, Section 1, Subdivision 4, is amended to read:

Subd. 4. [APPROPRIATION.] *The amount necessary to make the payments payment required by subdivision 1 for August 1, 1981 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The amount necessary to make the payment required by subdivision 1 for August 1, 1982 is appropriated from the general fund to the department of*

education for the fiscal year ending June 30, 1983. The payments required by subdivision 1 in 1981 and 1982 shall be considered a fiscal year 1982 liability in the fiscal year in which the warrant is drawn for purposes of the state accounting system.

Sec. 33, Laws 1981, Chapter 1, is amended by adding a section to read:

Sec. 8. [SUNSET.]

*Laws 1981, Chapter 1, Section 1, Subdivision 1, is repealed effective September 1, 1984."*

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 25, delete "and"

Page 2, line 26, after "21" insert "; and Laws 1981, Chapter 1, Section 1, Subdivisions 1 and 4, and by adding a section"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Knutson moved to amend H. F. No. 70, as amended by the Senate May 6, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 150.)

Page 17, line 11, delete "(1)"

Page 17, delete lines 34 to 36

Page 18, delete lines 1 to 10

Page 31, line 17, delete "\$717,500,000" and insert "\$718,084,000"

Page 31, line 19, delete "\$648,750,000" and insert "\$649,334,000"

Page 31, line 21, delete "\$632,100,000" and insert "\$632,776,000"

Page 31, line 23, delete "\$556,400,000" and insert "\$557,076,000"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 48, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Engler	Knutson	Pillsbury
Bang	Bernhagen	Frederick	Kronebusch	Ramstad
Belanger	Brataas	Keefe	Peterson, R. W.	Renneke
Benson				

Those who voted in the negative were:

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

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

H. F. No. 70 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 38 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dieterich moved that S. F. No. 150 be stricken from General Orders and laid on the table. The motion prevailed.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce 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. 359: A bill for an act relating to workers' compensation; expressing the intent of the legislature with respect to chapter 176; transferring compensation judges from the workers' compensation division to a separate division within the office of administrative hearings; making the workers' compensation court of appeals a separate and independent agency with appellate review powers; providing for a discount assumption with respect to calculating reserves for claims of insurance companies; authorizing the commissioner of insurance to initiate a rate hearing; permitting benefit payment amounts to be rounded to whole dollars; clarifying certain provisions with respect to the Minnesota workers' compensation reinsurance association; redefining the maximum reinsurance liability limitation as a prefunded limit; providing for a survey of closed compensation claims and an examination of insurer reserving practices; removing the exemption of political subdivisions from the definitions of insurer and insurance in chapter 79; providing for the design and implementation of an improved records and information system in the department of labor and industry; providing for the addition of rehabilitation and computer support personnel in the department of labor and industry; permitting the commissioner of labor and industry to negotiate with his counterparts in other states in jurisdictional disputes; establishing a preponderance of the evidence standard in factual determinations under chapter 176; granting subrogation rights to the special compensation fund in third party actions; providing for lump sum permanent partial disability payments on return to work and weekly payments if an employee could but does not return to work; limiting attorneys' fees to only disputed portions of claims; providing a procedure for settlement offers by any litigant in a disputed claim proceeding; requiring claimants' attorneys to provide their clients with written information regarding fees under chapter 176; providing a penalty for attorneys who violate the fee provisions of chapter 176; providing a ten year limitation on death benefits to dependents; providing rehabilitation opportunities for dependent surviving spouses; requiring the commissioner of labor and industry to adopt disability degree schedules; prohibiting combined workers' compensation and government survivor benefits from exceeding the limit provided in chapter 176; providing a new formula for determining assessments against employers and insurers for the special compensation fund; providing for payment of attorneys' fees in disputes over supplementary benefits; requiring the commissioner of labor and industry to utilize a medical fee schedule; requiring the commissioner to review the quality of care and other aspects of medical delivery under workers' compensation; establishing a medical panel to resolve disputes over medical disability; providing for payment of wage replacement or disability payments by a group insurer under appropriate provisions pending resolution of liability dispute over compensability; providing for early payment of benefits and a penalty for delay; requiring benefit payments to be made by immediately negotiable instrument; providing that notices of discontinuance of benefit payments be sent directly to claimant by insurer; providing that division legal assistance employees be transferred to the attorney general; delaying first benefit adjustment under chapter 176 for 52 weeks from date of injury; mandating an insurance rate reduction by an amount reflecting cost



savings due to benefit and administrative changes; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 18; 15.052, Subdivisions 1, 2, 3, 4, and 5; 15A.083, by adding a subdivision; 43.064; 60A.15, Subdivision 1; 60C.04; 60C.09, Subdivision 2; 79.01, Subdivisions 2 and 3; 79.071, Subdivision 1, and by adding subdivisions; 79.34, Subdivisions 1 and 2; 79.35; 79.36; 175.007; 175.11, Subdivision 1; 175.14; 175.17; 176.021, Subdivisions 1 and 3, and by adding subdivisions; 176.041, by adding a subdivision; 176.061, Subdivisions 1, 3, 4, 5, 6 and 7; 176.081, Subdivisions 1, 2, 3, 4, and 6, and by adding subdivisions; 176.101, Subdivision 3; 176.102, by adding a subdivision; 176.105, Subdivision 1; 176.111, Subdivisions 6, 7, 8, 10 and 21, and by adding a subdivision; 176.131, Subdivision 10; 176.132, Subdivision 2; 176.133; 176.136; 176.161, Subdivision 1; 176.181, Subdivisions 2 and 3, and by adding a subdivision; 176.191; 176.221; 176.225, by adding a subdivision; 176.231, Subdivisions 2 and 7; 176.241, Subdivisions 1, 2 and 3; 176.261; 176.291; 176.301, Subdivision 1; 176.305; 176.311; 176.331; 176.341, Subdivision 1; 176.351; 176.371; 176.381; 176.391; 176.401; 176.411, Subdivisions 1 and 2; 176.421, Subdivisions 1, 4, 5, 6 and 7; 176.431, Subdivision 1; 176.441, Subdivision 1; 176.461; 176.471, Subdivisions 3, 5, 6 and 8; 176.491; 176.511, Subdivision 1; 176.521, Subdivisions 1 and 2; 176.531, Subdivision 3; 176.645; and 179.74, Subdivision 4; proposing new law coded as Minnesota Statutes, Chapter 175A; and proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.071, Subdivisions 1, 2, 3, 4, 5, 6, and 7; 79.072; 79.073; 79.074, Subdivision 1; 79.075 to 79.09; 79.11 to 79.21; 79.22, Subdivision 1; 79.221 to 79.33; 175.006, Subdivisions 1a and 2; 175.0061; 175.09; 176.111, Subdivision 11; and 176.441, Subdivision 2; reenacting Laws 1980, Chapter 556, Section 12.

Senate File No. 359 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1981

Mr. Peterson, C.C. moved that the Senate do not concur in the amendments by the House to S. F. No. 359, and that a Conference Committee of 5 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.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 407:

H. F. No. 407: A bill for an act relating to insurance; modifying the definition of a covered claim for purposes of the state's insurance guaranty association act; amending Minnesota Statutes 1980, Section 60C.09, Subdivision 1.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Wynia, Ellingson and Kaley have been appointed as such committee on the part of the House.

House File No. 407 is herewith transmitted to the Senate with the request

that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1981

Mr. Stern moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 407, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 912:

H. F. No. 912: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating redundant, conflicting and superseded provisions; reenacting certain laws; amending Minnesota Statutes 1980, Sections 10.30; 12.03, Subdivision 9; 12.25, Subdivision 1; 15.0412, Subdivision 4d; 15.1611, Subdivisions 1 and 2; 15.1621, Subdivision 2; 15.163, Subdivision 6; 15.166, Subdivisions 1, 2 and 4; 15.1671; 15.50, Subdivision 1; 15.61, Subdivision 2; 16.172; 16.822, Subdivisions 3 and 6; 17.72; 17B.23; 27.01, Subdivision 1; 31.58; 32A.04, Subdivision 1; 35.067; 40.05, Subdivision 4; 40.071; 43.12, Subdivision 19; 43.126, Subdivisions 1 and 2; 43.24, Subdivision 2; 43.323, Subdivision 3; 47.203; 48.88, Subdivision 2; 50.14, Subdivision 5, as reenacted; 55.15; 60A.23, Subdivision 8; 62A.152, Subdivision 2; 62D.22, Subdivision 6; 62D.28, Subdivisions 2 and 3; 65B.05; 65B.06, Subdivision 2; 65B.71, Subdivision 2; 69.031, Subdivision 5; 69.29; 72A.20, Subdivision 15; 72C.11; 79.34, Subdivision 1; 84.55; 84A.52; 84B.05; 90.195; 92.36; 93.45, Subdivision 2; 111.09, Subdivision 2; 111.11; 111.31; 111.36; 111.78; 112.43, Subdivision 2; 115.34, Subdivision 1; 116.02, Subdivision 3; 116.06, Subdivision 1; 116.10; 122.532, Subdivision 3; 144.125; 144.653, Subdivision 1; 144.801, Subdivision 8; 144.92; 144A.01, Subdivision 2; 144A.10, Subdivision 3; 145.838, Subdivision 3; 148.88; 151.26, Subdivision 1; 161.38, Subdivision 6; 162.08, Subdivision 3; 173.12; 173.13, Subdivision 2; 173.20; 173.21; 174.256, Subdivision 5; 179.68, Subdivision 2; 179.69, Subdivision 3a; 179.691; 179.692; 182.661, Subdivision 1; 183.52; 183.56; 183.57, Subdivision 2; 183.59; 197.13; 197.48; 197.603, Subdivision 2; 218.031, Subdivision 1; 218.041, Subdivisions 2, 7 and 8; 219.39; 219.40; 219.741; 237.30; 239.05, Subdivision 1; 239.09; 241.021, Subdivision 2; 241.045, Subdivision 6; 241.27, Subdivision 2; 241.62, Subdivision 5; 243.87; 245.05; 245.06; 245.07; 245.781; 245.782, Subdivisions 1, 11 and 12; 245.783, Subdivisions 1, 2 and 3; 245.791; 245.801, Subdivision 5; 245.802, Subdivision 2; 245.803, Subdivisions 1, 2 and 3; 245.812, Subdivisions 2, 5 and 6; 250.05, Subdivisions 2 and 4; 256.25; 256.263, Subdivision 1; 256.483, Subdivision 1; 256B.15; 256E.03, Subdivision 2; 256E.06, Subdivision 2; 257.64, Subdivision 1; 260.241, Subdivision 4; 273.13, Subdivision 6; 275.50, Subdivisions 2 and 5; 282.281; 290.05, Subdivision 1; 290.14; 290.35; 290.53, Subdivision 4; 290.92, Subdivision 5; 290A.01; 290A.02; 290A.03, Subdivisions 1, 3, 8, 11 and 12; 290A.08; 290A.09; 290A.11, Subdivision 1; 290A.13; 290A.15; 290A.16; 290A.17; 290A.20; 290A.22; 294.25; 295.34, Subdivision 1; 297.03, Subdivision 3; 298.223;

298.244, Subdivision 2; 299F.19, Subdivision 6; 299H.22, Subdivision 2; 308.07, Subdivision 10; 325F.34; 326.02, Subdivisions 1, 2, 3, 4a and 5; 326.03, Subdivision 5; 326.08, Subdivision 1; 326.11, Subdivision 1; 326.12, Subdivision 3; 326.13; 340.54, Subdivisions 1 and 2; 349.11; 352.22, Subdivision 3; 352B.075, Subdivision 1; 353.661, Subdivision 2; 353.71, Subdivision 1; 354.44, Subdivision 1a; 354A.21; 360.037, Subdivision 2; 368.86; 412.251; 414.0325, Subdivisions 1 and 5; 418.20; 423.075, Subdivision 2; 427.09; 447.34, Subdivision 1; 447.35; 447.45, Subdivision 1; 465.72; 471.371, Subdivision 3; 471.616, Subdivision 1; 471.617; 471.74, Subdivision 2; 473.438, Subdivision 3; 473F.02, Subdivision 17; 474.03; 480.059, Subdivision 7; 485.14; 508.37, by adding a subdivision; 518.155; 518.66; 595.021; 595.022; 611.07, Subdivision 3; 611.12, Subdivision 7; 626.556, Subdivision 11; 626A.12, Subdivision 5; 628.56; 629.404, Subdivision 1; Laws 1980, Chapter 614, Section 163; reenacting Minnesota Statutes 1980, Section 50.14, Subdivision 5; reenacting and validating Laws 1980, Chapter 528; repealing Minnesota Statutes 1980, Chapters 2A and 3B; Sections 115.15; 115.16; 218.041, Subdivision 3; 273.061, Subdivision 11; 282.11; 325F.33; 325F.49; 325F.50; 473F.08, Subdivision 11; 475.53, Subdivision 2; 508.37, Subdivision 1; Laws 1979, Chapters 40, Sections 6 and 9; 303, Article 2, Section 7, and Article 10, Section 7; and 334, Article 3, Section 15; Laws 1980, Chapters 437, Section 4; 460, Sections 5, 18, 19 and 27; 487, Section 14; 509, Section 127; 528, Section 4; 534, Sections 27, 31, 39, 47, 53 and 54; 579, Section 3; and 600, section 8.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Jude, Vellenga and Heinitz have been appointed as such committee on the part of the House.

House File No. 912 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1981

Mr. Hanson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 912, 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 appointed on the part of the House. The motion prevailed.

## RECESS

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

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

## APPOINTMENTS

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

S. F. No. 359: Messrs. Peterson, C.C.; Chmielewski; Moe, D.M.; Nelson

and Benson.

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

#### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Thursday, May 7, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate