

FIFTY-FIFTH DAY

St. Paul, Minnesota, Friday, May 15, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R. D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. John Fitzpatrick.

Oath of Office

The newly elected Senator, Mr. Randy P. Kamrath from the 20th District, presented his certificate of election and subscribed to the oath of office as administered by the Honorable John E. Simonette, Associate Justice of the Supreme Court.

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

Ashbach	Dieterich	Kronebusch	Peterson, C. C.	Spear
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	Tennessen
Bernhagen	Hughes	Menning	Ramstad	Ulland
Bertram	Humphrey	Merriam	Renneke	Vega
Brataas	Johnson	Moe, D. M.	Rued	Waldorf
Chmielewski	Kamrath	Moe, R. D.	Schmitz	Wegener
Dahl	Keefe	Nelson	Setzepfandt	Willet
Davies	Knoll	Olhoft	Sieloff	
Davis	Knutson	Pehler	Sikorski	
Dicklich	Kroening	Penny	Solon	

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. Lessard was excused from the Session of today from 11:30 a.m. to 1:00 p.m. Mr. Peterson, D. L. was excused from the Session of today from 11:00 a.m. to 3:00 p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 13, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 1343, 1058, 982, 207, 1122, 641, 771, 560 and 822.

Sincerely yours,

Albert H. Quie, Governor

May 13, 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
207		180	May 13	May 13
560		181	May 13	May 13
641		182	May 13	May 13
771		183	May 13	May 13
982		184	May 13	May 13
1058		185	May 13	May 13
1122		186	May 13	May 13
1343		187	May 13	May 13
	142	188	May 13	May 13
	211	189	May 13	May 13
	217	190	May 13	May 13
	357	191	May 13	May 13
	624	192	May 13	May 13
	1218	193	May 13	May 13
	1344	194	May 13	May 13

Sincerely,

Joan Anderson Growe
Secretary of State

May 13, 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
822		195	May 13	May 13
	921	196	May 13	May 13

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 28.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 56, 595, 136, 250, 268 and 535.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 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. 368: A bill for an act relating to housing; requiring municipal housing plans to incorporate policies to minimize displacement and encourage citizen participation; encouraging the use of bond proceeds for housing for persons and families of low income; providing that multifamily housing loans may be used to acquire structures for conversion to cooperative ownership; amending Minnesota Statutes 1980, Sections 462C.03, Subdivisions 1 and 2; and 462C.05, Subdivision 1.

Senate File No. 368 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S. F. No. 368, 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.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Peterson, C.C. moved that the following members be excused for a Conference Committee on S. F. No. 359 at 11:30 a.m.:

Messrs. Peterson, C.C.; Nelson; Moe, D.M.; Chmielewski and Benson. 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. 1188: A bill for an act relating to human rights; clarifying the meaning of reprisal; permitting the filing of a charge of unfair discriminatory practice directly in district court; permitting access to certain documents; granting certain powers to the commissioner of human rights; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3, and 4, and by adding a subdivision; 363.14, Subdivision 1; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

Senate File No. 1188 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

CONCURRENCE AND REPASSAGE

Mr. Moe, D.M. moved that the Senate concur in the amendments by the House to S. F. No. 1188 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1188: A bill for an act relating to human rights; clarifying the meaning of reprisal; defining certain terms; permitting the filing of a charge of unfair discriminatory practice directly in district court; permitting access to certain documents; granting certain powers to the commissioner of human rights and eliminating the requirement that the commissioner provide a bond; amending Minnesota Statutes 1980, Sections 363.03, Subdivision 7; 363.06, Subdivisions 1, 3, and 4, and by adding a subdivision; 363.14, Subdivision 1; repealing Minnesota Statutes 1980, Section 363.04, Subdivision 3.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 254: A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory committee; amending Minnesota Statutes 1980, Section 97.488.

Senate File No. 254 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

CONCURRENCE AND REPASSAGE

Mr. Peterson, C. C. moved that the Senate concur in the amendments by the House to S. F. No. 254 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 254 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 44 and nays 13, as follows:

Those who voted in the affirmative were:

Bang	Frank	Lantry	Penny	Stokowski
Belanger	Hanson	Lindgren	Peterson, C. C.	Stumpf
Berglin	Hughes	Luther	Peterson, R. W.	Tennessen
Chmielewski	Humphrey	Menning	Petty	Ulland
Dahl	Knoll	Merriam	Pillsbury	Vega
Davies	Knutson	Moe, D. M.	Purfeerst	Waldorf
Davis	Kroening	Moe, R. D.	Ramstad	Wegener
Dicklich	Kronebusch	Olhoft	Spear	Willet
Dieterich	Langseth	Pehler	Stern	

Those who voted in the negative were:

Berg	Engler	Kamrath	Rued	Taylor
Bernhagen	Frederick	Lessard	Schmitz	
Bertram	Frederickson	Renneke	Setzepfandt	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 436: A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111,

Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

Senate File No. 436 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. Chmielewski moved that S. F. No. 436 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. 179: A bill for an act relating to economic development; regulating business loans to Indians; amending Minnesota Statutes 1980, Section 362.40, Subdivisions 2, 8, 9, 11, 12, 14, and by adding a subdivision; repealing Minnesota Statutes 1980, Section 362.40, Subdivisions 4, 5, and 10.

Senate File No. 179 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. Chmielewski moved that S. F. No. 179 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. 650: A bill for an act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the public employment labor relations act of 1971; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Senate File No. 650 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. Pehler moved that S. F. No. 650 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. 188: A bill for an act relating to crimes; regulating the possession, use, sale, and furnishing of tear gas and tear gas compounds; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 624; repealing Minnesota Statutes 1980, Section 624.73.

Senate File No. 188 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

CONCURRENCE AND REPASSAGE

Mrs. Kronebusch moved that the Senate concur in the amendments by the House to S. F. No. 188 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 188 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 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Davies voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 655: A bill for an act relating to financial institutions; permitting the sale of certain loans of credit unions; providing for the withdrawal of credit union members; amending Minnesota Statutes 1980, Sections 52.04 and 52.19.

Senate File No. 655 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 655 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 655 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 49 and nays 7, as follows:

Those who voted in the affirmative were:

Bang	Engler	Kroening	Pillsbury	Stokowski
Belanger	Frank	Langseth	Purfeerst	Stumpf
Berglin	Frederickson	Lindgren	Ramstad	Taylor
Bernhagen	Hanson	Luther	Schmitz	Tennessee
Bertram	Hughes	Menning	Setzepfand	Ulland
Dahl	Humphrey	Merriam	Sieloff	Vega
Davies	Johnson	Olhoft	Sikorski	Waldorf
Davis	Keefe	Pehler	Solon	Wegener
Dicklich	Knoll	Peterson, R. W.	Spear	Willet
Dieterich	Knutson	Petty	Stern	

Those who voted in the negative were:

Brataas	Kronebusch	Penny	Renneke	Rued
Kamrath	Lantry			

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 937: A bill for an act relating to insurance; prohibiting the issuance or renewal of certain health policies or plans which exclude or limit coverage on DES related conditions; proposing new law coded in Minnesota Statutes, Chapter 62A.

Senate File No. 937 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. Petty moved that the Senate do not concur in the amendments by the House to S. F. No. 937, 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. 31: A bill for an act relating to transportation; restricting the powers of the commissioner of transportation with respect to a certain trunk highway within the city of St. Paul; proposing new law coded in Minnesota Statutes, Chapter 161.

Senate File No. 31 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. Dieterich moved that the Senate do not concur in the amendments by the House to S. F. No. 31, 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. 489: A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09, Subdivision 1.

Senate File No. 489 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 489 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 489: A bill for an act relating to crimes; immunity from prosecution; changing the current transactional immunity to conform with federal use immunity; amending Minnesota Statutes 1980, Section 609.09.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 769:

H. F. No. 769: A bill for an act relating to transportation; establishing a rail bank account; providing for the deposit of money in the rail bank account and specifying the purposes for which it may be expended; appropriating money; amending Minnesota Statutes 1980, Sections 222.49; 222.50, Subdivision 7; 222.63, by adding a subdivision; and Laws 1980, Chapter 610, Section 1.

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

Anderson, B.; Kalis and Stowell have been appointed as such committee on the part of the House.

House File No. 769 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 14, 1981

Mr. Penny moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 769, 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. 1474:

H. F. No. 1474: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 121.

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

Sieben, M.; Carlson, L.; Welch; Nelsen, B. and Erickson have been appointed as such committee on the part of the House.

House File No. 1474 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 14, 1981

Mr. Willet moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1474, 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 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. 1475:

H. F. No. 1475: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Section 116.18, Subdivisions 1 and 4.

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

Kahn; Anderson, G.; Sieben, M.; Valan and Metzen have been appointed as such committee on the part of the House.

House File No. 1475 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 14, 1981

Mr. Willet moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1475, 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 appointed on the part of the House. The motion prevailed.

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. 2, and re-passed said bill in accordance with the report of the Committee, so adopted.

House File No. 2 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 14, 1981

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 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. 2, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments adopted on April 27, 1981 and May 6, 1981, and that H.F. No. 2, the unofficial engrossment, be further amended as follows:

Page 4, line 9, delete "good"

Page 4, line 10, delete "cause exists" and insert "substantial mitigating factors exist"

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

House Conferees: (Signed) Stephen G. Wenzel, Paul McCarron, Connie M. Levi, Robert E. Vanasek

Senate Conferees: (Signed) Gene Waldorf, Marv Hanson, John B. Keefe, Gregory L. Dahl, Steven O. Lindgren

Mr. Waldorf moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2 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. 2 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 56 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Davies and Spear voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 665, and repassed said bill in accordance with the report of the Committee, so adopted.

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 14, 1981

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 694, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 694: A bill for an act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

Senate File No. 694 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 338: A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

There has been appointed as such committee on the part of the House:

Reding; Anderson, I. and Rodriguez, F.

Senate File No. 338 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the

following Senate File:

S. F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

There has been appointed as such committee on the part of the House:

Lehto, Vanasek and Jennings.

Senate File No. 400 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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

There has been appointed as such committee on the part of the House:

Clark, K.; Welch and Sviggum.

Senate File No. 886 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 964: A bill for an act relating to human rights; requiring certain state contractors to have affirmative action plans approved by the commissioner of human rights; amending Minnesota Statutes 1980, Section 363.073; proposing new law coded in Minnesota Statutes, Chapter 363.

There has been appointed as such committee on the part of the House:

Staten, Ogren and Clark, K.

Senate File No. 964 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1981

REPORTS OF COMMITTEES

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

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

H. F. No. 295 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.
295	355				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 295 be amended as follows:

Page 1, line 12, after "(5)" insert a comma

Page 1, line 20, after "disability" insert "benefit"

Page 2, line 24, delete "The"

Page 2, line 25, delete "The"

Page 2, line 26, delete "The"

Page 2, line 27, delete "The"

Page 2, line 28, delete "The"

Page 2, line 30, delete "The"

Page 2, line 30, delete "municipal"

Page 3, line 5, delete "Subd. 5." and insert "Sec. 2."

Page 3, line 6, delete "from the general fund"

Page 3, lines 6 to 8, delete "sum of \$5,785,361 in fiscal year 1982 and \$5,514,639 in fiscal year 1983" and insert "amount of \$11,300,000"

Page 3, line 19, delete "municipal"

Page 3, line 22, delete "2" and insert "3"

Page 3, line 23, delete "Section I" and insert "This act"

And when so amended H. F. No. 295 will be identical to S. F. No. 355, and further recommends that H. F. No. 295 be given its second reading and substituted for S. F. No. 355, 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. 1139, 403 and 968 for comparison with companion Senate Files, reports the following House Files were found not identical with 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.
1139	1094				
403	311				
968	807				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1139 be amended as follows:

Page 2, line 11, delete "24" and insert "25"

Page 2, line 33, delete "ten" and insert "11"

Page 3, line 20, delete "*January 1, 1981, in the second and in the fourth judicial districts*" and insert "*June 30, 1980, in the second and June 30, 1977, in the fourth judicial district*"

Page 3, line 32, after the period insert "*Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*"

Page 3, delete lines 33 to 36

Page 4, line 7, reinstate the stricken "*June 30,*" delete "*January 1, 1981*" and insert "*1980*" and before "*fourth*" insert "*June 30, 1978, in the*"

Page 4, line 8, strike "districts" and insert "district"

Page 4, line 14, after the period insert "*Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*"

Page 4, delete line 24 and insert:

"*Subd. 7. The duties and powers of referees shall be as follows:*"

Page 4, line 25, delete "(1)" and insert "(a)"

Page 4, line 26, delete " ; and" and insert a period

Page 4, line 27, delete "(2)" and insert "(b)"

Page 4, line 29, delete "(b)" and insert "(c)"

Page 5, line 2, delete "(c)" and insert "(d)"

Page 5, after line 8, insert:

"*Sec. 7. Minnesota Statutes 1980, Section 487.03, is amended by adding a subdivision to read:*

Subd. 6. [JUDGE POSITIONS; CREATION; ABOLITION.] Notwith-

standing the provisions of sections 2.722 and 487.01:

(a) Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Lincoln, Lyon, and Redwood counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Pipestone, Murray, Rock, and Nobles counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Jackson, Martin, and Faribault counties, that vacant judgeship is abolished.

Upon the occurrence of one vacancy in the office of county court judge in the county court district comprised of Nicollet, Brown, Cottonwood, and Watonwan counties, that vacant judgeship is abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Wilkin, Traverse, Grant, Stevens, Pope, and Big Stone counties, those vacant judgeships are abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Lac Qui Parle, Yellow Medicine, Chippewa, and Renville counties, those vacant judgeships are abolished.

Upon the occurrence of the first two vacancies in the office of county court judge in the county court district comprised of Kittson, Roseau, Marshall, Polk, Pennington, Red Lake, Norman, and Mahnomen counties those vacant judgeships are abolished.

Upon the occurrence of one vacancy in the office of county court judge in the counties of Crow Wing, Waseca, and Mower, each vacant judgeship is abolished.

(b) Upon the occurrence of a vacancy in the office of county court judge in Hubbard county, the vacant judgeship is abolished and a new office of county court judge is created in Itasca county. The governor shall appoint a qualified person to fill the office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment; and

(c) Upon the occurrence of the first vacancy in the office of county court judge in each of the counties of Carver and Scott, the vacant judgeship is abolished. When each judgeship is abolished under this clause, an additional office of judge of district court is created in the first judicial district. The governor shall appoint a qualified person to fill each office until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment."

Page 6, after line 22, insert:

"Sec. 13. Minnesota Statutes 1980, Section 487.25, Subdivision 10, is amended to read:

Subd. 10. [PROSECUTING ATTORNEYS.] Violations of state law which are misdemeanors or gross misdemeanors, or of a municipal ordinance, charter provision, rule or regulation shall be prosecuted by the attorney of the municipi-

pality where the violation is alleged to have occurred if that municipality has an attorney. All other offenses shall be prosecuted by the county attorney of the county in which the alleged violation occurred."

Delete page 8, line 35 to page 9, line 6

Page 9, after line 30, insert:

"Sec. 21. Minnesota Statutes 1980, Section 488A.18, Subdivision 9, is amended to read:

Subd. 9. [TERRITORIAL JURISDICTION.] ~~The summons in civil and forcible entry and unlawful detainer actions may be served only within the county of Ramsey. Garnishment summons, subpoenas and All other civil and criminal process and orders may be served and enforced anywhere within the state of Minnesota.~~

Sec. 22. Minnesota Statutes 1980, Section 489.01, is amended to read:

489.01 [ELECTION; TERM; OFFICE ABOLISHED.]

Subdivision 1. [OFFICE ABOLISHED.] The office of court commissioner is abolished. No vacancy in the office of court commissioner shall be filled.

Subd. 2. [INCUMBENTS.] Persons holding the office of court commissioner in all counties except Ramsey county may continue to serve until the incumbent's term of office expires. The person holding the office of court commissioner on January 1, 1981, in Ramsey county may continue to serve at the pleasure of the appointing authority under the terms and conditions of this appointment.

Subd. 3. [COURT COMMISSIONER.] In each county in the state there shall be elected at the general election in 1918 a court commissioner. The term of office of the court commissioner shall be four years and until his successor is elected and qualified, and begin on the first Monday in January next succeeding his election. This office shall be filled by election every four years thereafter. One person may hold at the same time the offices of court commissioner and probate judge."

Page 10, line 2, delete "*January 1, 1981, in the second and in the fourth judicial districts*" and insert "*June 30, 1980, in the second and August 15, 1980, in the fourth judicial district*"

Page 10, line 9, after the period insert "*Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.*"

Delete page 10, line 26 to page 15, line 7 and insert:

"Sec. 24. [REPEALER.]

Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04, are repealed.

Sec. 25. [APPROPRIATION.]

The sum of \$756,000 is appropriated for the salaries and fringe benefits of the additional judges appointed pursuant to section 1, to be available for the fiscal year ending June 30 in the years indicated.

1982	1983
\$215,000	\$541,000

Sec. 26. [EFFECTIVE DATE.]

Section 7 of this act is effective upon final enactment. Sections 11, 12, 13, 15, 18, 19, and 20 are effective January 1, 1982. The remaining sections are effective August 1, 1981, except that three of the new judge positions created by section 1 in the fourth judicial district and three of the new judge positions created by section 1 in the tenth judicial district shall not be filled until July 1, 1982."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 4 to 28 and insert:

"providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; changing the jurisdiction of county courts and county municipal courts; providing for the prosecution of gross misdemeanors by municipalities; creating certain judicial positions; abolishing certain judicial positions by attrition; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.70, Subdivision 1, and by adding subdivisions; 487.03, by adding a subdivision; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 487.25, Subdivision 10; 488A.01, Subdivisions 4, 6, and 8; 488A.18, Subdivisions 4, 7, 9, and 13; 488A.27, Subdivision 11; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04."

And when so amended H. F. No. 1139 will be identical to S. F. No. 1094, and further recommends that H. F. No. 1139 be given its second reading and substituted for S. F. No. 1094, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 403 be amended as follows:

Page 1, line 11, delete "shareholders" and insert "members"

Page 1, line 14, delete "shareholders" and insert "members"

Page 1, line 18, before "at" insert "at wholesale to other Minnesota cooperative electric associations or"

Page 2, line 9, delete everything after the period

Page 2, delete lines 10 to 14

Page 2, line 16, after "retail" insert "or wholesale"

Page 2, line 17, delete "shareholders" and insert "members"

Page 2, delete lines 18 to 24 and insert "members' spouses."

Page 2, line 25, delete "electric requirements."

Page 2, line 26, delete "*negotiations*" and insert "*disputes*" and delete "*and*" and insert a comma

Page 2, line 27, after "*accounts*" insert "*, and other similar subjects which must be kept confidential for effective operation*"

Page 2, line 28, after the period insert "*Members shall be given reasonable notice of all meetings.*"

Page 3, line 7, delete "*shareholders*" and insert "*members*"

Page 3, line 8, delete "*shareholders*" and insert "*members*"

Page 3, delete lines 11 to 15 and insert "*names and last known addresses of all members to the organizers of the petition to enable them to present their position on the matter to the members.*"

Subd. 7. [PENALTIES.] In addition to the remedies provided in this chapter, the commission, by a majority vote of its members, may commence proceedings in the district court of any county in which repeated and willful violations of this section have occurred for a temporary or permanent injunction against any person violating any provision of this section."

And when so amended H. F. No. 403 will be identical to S. F. No. 311, and further recommends that H. F. No. 403 be given its second reading and substituted for S. F. No. 311, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 968 be amended as follows:

Delete page 1, line 11 to page 2, line 36 and insert:

"Section 1. [626.86] [PEACE OFFICERS TRAINING ACCOUNT.]

Money appropriated for peace officers training shall be expended as follows:

(a) Ten percent shall be provided for reimbursement to board approved skills courses in proportion to the number of students successfully completing the board's skills licensing examination.

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626."

Page 3, line 1, delete "[626.862]" and insert "[626.861]"

Page 3, lines 3 and 4, delete "*On and after the effective date of sections 1, 2, and 3,*"

Page 3, line 36, delete "*Minnesota Statutes,*"

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

Page 4, delete lines 13 to 17 and insert "*the state treasurer for deposit in the general fund for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section."*

Delete page 4, line 35 to page 6, line 21 and insert:

"Sec. 4. Minnesota Statutes 1980, Section 626.845, Subdivision 1, is amended to read:

Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs; and

(k) *To prepare and transmit annually to the governor and the legislature a report of its activities with respect to allocation of moneys appropriated to it for peace officers training, including the name and address of each recipient of money for that purpose, the amount awarded, and the purpose of the award."*

Page 7, line 24, delete "3" and insert "2"

Delete page 7, line 25 to page 8, line 5 and insert:

"Sec. 6. [APPROPRIATION.]

The sum of \$1,000,000 is appropriated from the general fund to the peace officers training account created in section 1, to be available for the fiscal year ending June 30, 1983.

Sec. 7. [EFFECTIVE DATE.]

This act is effective January 1, 1982. Section 1 applies to all petty misdemeanors, criminal offenses, and violations of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances except parking violations committed on or after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 8, and insert:

"relating to penalties for crimes; authorizing penalty assessments for peace officers training; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 588.01, Subdivision 3; 626.845, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 626."

And when so amended H. F. No. 968 will be identical to S. F. No. 807, and further recommends that H. F. No. 968 be given its second reading and substituted for S. F. No. 807, and that the Senate File be indefinitely postponed.

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

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

H. F. No. 1253 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.
1253	1095				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1253 be amended as follows:

Page 1, line 26, delete "[FORMULA.]" and insert "[ALLOCATION OF FUNDS AMONG COMMUNITY ACTION AGENCIES.]"

Page 2, line 1, delete "so"

Page 2, delete lines 2 to 5 and insert "under either clause (a) or (b), which ever is more advantageous to the agency."

Page 2, before line 6, insert:

"(a) In proportion to the size of the poverty level population served by the agency when compared to the size of the poverty level population in the state; or

(b) determined as follows:

(1) If the appropriation of funds for community action agencies shall be equal to that available in fiscal years 1979 and 1980, there shall be in place a "hold-harmless" provision for the allocation of funds among community action agencies. For purposes of this act, "hold-harmless" shall be defined as the amount of funding received by a community action program under the Economic Opportunity Grant Program in fiscal year 1980.

(2) If the appropriation of funds for community action agencies shall be decreased from the amount available in fiscal years 1979 and 1980, the reduction shall be made proportional as a percentage of the funds received under the Minnesota Economic Opportunity Grant Program by each community action agency in fiscal year 1980.

(3) If the appropriation of funds for community action agencies shall be increased from the amount available in fiscal years 1979 and 1980, the "hold-harmless" provision of subdivision 2, clause (a), shall be in effect. Funds appropriated in excess of the amount of the 1980 appropriation shall be allocated to those community action agencies whose 1980 funding level is less than its proportionate share of the poverty level population served as compared to the size of the poverty level population in the state. For the purposes of this act, "poverty level population" shall be defined as the number of people whose household income is below the poverty line established by the U.S. Department of Commerce, Bureau of the Census. These excess funds shall be allocated proportionally among these agencies in relation to their level of deviation from the mean "dollars per poor person" among all agencies receiving funds under this act.

If the appropriation is insufficient to fully fund each agency, the insufficiency shall be prorated among the agencies."

Page 2, line 9, delete "this act" and insert "sections 2 to 4"

Page 2, line 10, delete "shall be defined as" and insert "means"

Page 6, delete lines 2 and 3

And when so amended H. F. No. 1253 will be identical to S. F. No. 1095, and further recommends that H. F. No. 1253 be given its second reading and substituted for S. F. No. 1095, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H. F. Nos. 295, 1139, 403, 968 and 1253 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Pehler be added as co-author to S. F. No. 1250. The motion prevailed.

CALL OF THE SENATE

Mr. Menning imposed a call of the Senate for the proceedings on H. F. No. 353. The Sergeant at Arms was instructed to bring in the absent members.

H. F. No. 353: A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

RECONSIDERATION

The question recurred on the motion of Mr. Menning made May 14, 1981, that the vote whereby H. F. No. 353 failed to pass on May 12, 1981, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 31 and nays 26, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lindgren	Renneke	Vega
Berg	Frederickson	Menning	Rued	Wegener
Bernhagen	Hanson	Moe, R. D.	Schmitz	Willet
Bertram	Humphrey	Olhoft	Setzepfandt	
Davis	Kamrath	Penny	Sieloff	
Dicklich	Kronebusch	Pillsbury	Solon	
Engler	Langseth	Purfeerst	Taylor	

Those who voted in the negative were:

Belanger	Frank	Lantry	Sikorski	Ulland
Berglin	Hughes	Luther	Spear	Waldorf
Brataas	Keefe	Merriam	Stern	
Dahl	Knoll	Peterson, R. W.	Stokowski	
Davies	Knutson	Petty	Stumpf	
Dieterich	Kroening	Ramstad	Tennessee	

The motion prevailed.

H. F. No. 353 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Mr. Luther moved that those not voting be excused from voting. The motion did not prevail.

The roll was called, and there were yeas 36 and nays 27, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Menning	Purfeerst	Taylor
Belanger	Frederickson	Moe, R. D.	Renneke	Vega
Benson	Hanson	Nelson	Rued	Wegener
Berg	Johnson	Olhoft	Schmitz	Willet
Bernhagen	Kamrath	Pehler	Setzepfandt	
Bertram	Kronebusch	Penny	Sieloff	
Davis	Langseth	Peterson, C. C.	Sikorski	
Engler	Lindgren	Pillsbury	Solon	

Those who voted in the negative were:

Ashbach	Dieterich	Kroening	Petty	Tennessee
Berglin	Frank	Lantry	Ramstad	Ulland
Brataas	Hughes	Luther	Spear	Waldorf
Dahl	Keefe	Merriam	Stern	
Davies	Knoll	Moe, D. M.	Stokowski	
Dicklich	Knutson	Peterson, R. W.	Stumpf	

So the bill passed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Johnson moved that the following members be excused for a Conference Committee on H. F. No. 1445 at 12:00 noon:

Messrs. Johnson; Peterson, C.C.; Hanson; Pehler and Ms. Berglin. The motion prevailed.

Pursuant to Rule 21, Mr. Pillsbury moved that the following members be excused for a Conference Committee on H. F. No. 678 at 1:00 p.m.:

Messrs. Stumpf, Schmitz and Pillsbury. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Merriam moved that S. F. No. 1040 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Merriam moved that the Senate concur in the amendments by the House to S. F. No. 1040 and that the bill be placed on its repassage as amended. The motion prevailed.

Pursuant to Rule 22, Mr. Stern requested that he be excused from voting on S. F. No. 1040. Without objection, he was excused.

S. F. No. 1040: A bill for an act relating to the environment; clarifying terms, procedures, powers, and duties in the waste management act and for counties and metropolitan waste management; extending time limits for site selections and reports; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivisions 4 and 5, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c, 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.516, Subdivision 4; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, 8, and by adding subdivisions; 473.831, Subdivision 1; 473.833, by adding a subdivision; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5.

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 46 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, R. W.	Stokowski
Bang	Dieterich	Langseth	Petty	Taylor
Belanger	Engler	Lantry	Purfeerst	Tennessen
Berg	Frank	Lindgren	Ramstad	Ulland
Bernhagen	Frederickson	Luther	Rued	Waldorf
Brataas	Hanson	Menning	Setzepfandt	Willet
Chmielewski	Humphrey	Merriam	Sieloff	
Dahl	Knoll	Moe, R. D.	Sikorski	
Davies	Knutson	Olhoft	Solon	
Davis	Kroening	Penny	Spær	

Messrs. Bertram, Kamrath and Renneke voted in the negative.

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 3:00 p.m. The motion prevailed.

The hour of 3:00 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 4:00 p. m. The motion prevailed.

The hour of 4:00 p. m. having arrived, the President called the Senate to order.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Stern moved that the following members be excused for a Conference Committee on S. F. No. 886 at 4:00 p.m.:

Messrs. Stern, Benson and Dicklich. The motion prevailed.

CALL OF THE SENATE

Mr. Moe, R. D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Nelson moved that S. F. No. 775 be withdrawn from the Committee on Health, Welfare and Corrections and placed on General Orders. The motion prevailed.

SUSPENSION OF RULES

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

CALENDAR

H. F. No. 1051: A bill for an act relating to health; changing the claim

limitations on cost of removing nuisances; authorizing the commissioner of health to issue orders concerning well water quality; clarifying the commissioner's authority over water wells and exploratory boring to include repairs and abandonment; changing the penalties for violations; amending Minnesota Statutes 1980, Sections 145.22; 156A.02, Subdivisions 1, 2, and 3; 156A.03, Subdivisions 1 and 2; 156A.05; 156A.07, Subdivisions 1 and 4; and 156A.08.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Bernhagen	Kamrath	Pillsbury	Ulland
Berg	Frederick	Penny		

So the bill passed and its title was agreed to.

H. F. No. 986: A bill for an act relating to financial institutions; savings associations; increasing the loan term of direct reduction loans; providing for the organization, operation, conversion, merger, reorganization, consolidation, and dissolution of mutual and capital stock associations; granting the commissioner certain supervisory powers; providing certain examination and reporting requirements; authorizing the issuance and sale of capital certificates; authorizing the payment of dividends on capital stock; authorizing the issuance of certain accounts to married persons or minors as sole owners thereof; defining terms; prescribing penalties; amending Minnesota Statutes 1980, Sections 51A.02, Subdivisions 2 and 4, and by adding subdivisions; 51A.03; 51A.04; 51A.07; 51A.08; 51A.09; 51A.10; 51A.11; 51A.12; 51A.13; 51A.15, Subdivision 7; 51A.19, Subdivision 1, and by adding subdivisions; 51A.20; 51A.21, Subdivision 5, and by adding subdivisions; 51A.22; 51A.50; 51A.52; 51A.53; proposing new law coded in Minnesota Statutes, Chapter 51A; repealing Minnesota Statutes 1980, Sections 51A.06; and 51A.49.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Mr. Willet voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 810: A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; amending Minnesota Statutes 1980, Section 116.18, Subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1160: A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; 82.34, Subdivision 7; and 327.55, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Mr. Bertram voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Purfeerst moved that S. F. No. 789, No. 24 on General Orders, be stricken and returned to the Committee on Agriculture and Natural Resources. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 179 be taken from the table. The motion prevailed.

Mr. Chmielewski moved that the Senate do not concur in the amendments by the House to S. F. No. 179, 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. Chmielewski moved that S. F. No. 1154 be taken from the table. The motion prevailed.

Mr. Chmielewski moved that the Senate do not concur in the amendments by the House to S. F. No. 1154, 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.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

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. 120: A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 290.61; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; 333.055, Subdivision 4; 333.19, Subdivision 1; 367.42, Subdivi-

sion 1; 462.601; and 462.605; proposing new law coded in Minnesota Statutes, Chapters 300, 302A, and 316; repealing Minnesota Statutes 1980, Sections 300.082 and 301.01 to 301.67.

Senate File No. 120 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mr. Petty moved that the Senate concur in the amendments by the House to S. F. No. 120 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 120: A bill for an act relating to corporations; modernizing and improving provisions governing business corporations; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 53.01; 290.61; 303.05, Subdivision 1; 308.341; 319A.03; 319A.05; 319A.12, Subdivisions 1a and 2; 319A.20; 333.055, Subdivision 4; 333.19, Subdivision 1; 367.42, Subdivision 1; 462.601; and 462.605; proposing new law coded in Minnesota Statutes, Chapters 300, 302A, and 316; repealing Minnesota Statutes 1980, Sections 300.082 and 301.01 to 301.67.

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 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Ashbach and Kamrath voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 396 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 396 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1981

CONFERENCE COMMITTEE REPORT ON H. F. NO. 396

A bill for an act relating to the military; requiring the adjutant general to furnish an American flag upon request of the person disposing of the remains of a deceased person who served six years or more in the Minnesota national guard; proposing new law coded in Minnesota Statutes, Chapter 192.

April 29, 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. 396, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) David M. Jennings, Glen H. Anderson, Richard J. Kostohryz

Senate Conferees: (Signed) Robert J. Schmitz, Glen Taylor, Florian Chmielewski

Mr. Chmielewski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 396 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. 396 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its

title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 157, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 157 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1981

CONFERENCE COMMITTEE REPORT ON H. F. NO. 157

A bill for an act relating to public welfare; providing that every birth to a minor shall be reported within three working days to the commissioner of public welfare; amending Minnesota Statutes 1980, Section 257.33.

May 14, 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. 157, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Shirley A. Hokanson, Janet H. Clark, Kenneth P. Zubay

Senate Conferees: (Signed) Linda Berglin, Ronald R. Dicklich, Duane D. Benson

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on H. F. No. 157 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. 157 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 43 and nays 18, as follows:

Those who voted in the affirmative were:

Belanger	Hughes	Luther	Peterson, R. W.	Stokowski
Berglin	Humphrey	Menning	Petty	Stumpf
Dahl	Keefe	Merriam	Purfeerst	Tennessee
Davies	Knoll	Moe, D. M.	Schmitz	Vega
Davis	Knutson	Moe, R. D.	Setzepfandt	Waldorf
Dicklich	Kroening	Neison	Sieloff	Wegener
Dieterich	Kronebusch	Olhoft	Sikorski	Willet
Engler	Langseth	Pehler	Spear	
Frank	Lantry	Penny	Stern	

Those who voted in the negative were:

Ashbach
Berg
Bernhagen
Bertram

Brataas
Chmielewski
Frederick
Frederickson

Kamrath
Lessard
Lindgren
Peterson, D.L.

Pillsbury
Ramstad
Renneke
Rued

Taylor
Ulland

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 586 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 586 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1981

CONFERENCE COMMITTEE REPORT ON 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.

May 13, 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. 586, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 586 be further amended as follows:

Delete everything after the enacting clause and insert:

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

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

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

(b) Data contained on incident complaint reports, variously called logs or dockets, comprising a chronological record of events, shall be public; provided

that data on individuals which could reasonably be used to determine the identity of an undercover agent, informant, or victim of criminal sexual conduct or *intrafamilial sexual abuse* shall be private data on individuals; provided further that any other data classified by law as private or confidential contained in incident complaint reports shall remain private or confidential data.

Sec. 2. Minnesota Statutes 1980, Section 518B.01, Subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] Upon notice and hearing, the court may provide relief as follows:

- (a) Restrain any party from committing acts of domestic abuse;
- (b) Exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (c) On the same basis as is provided in chapter 518, award temporary custody or establish temporary visitation with regard to minor children of the parties;
- (d) On the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse;
- (e) Provide counseling or other social services for the parties, if married, or if there are minor children;
- (f) *Order the abusing party to participate in treatment or counseling services;*
- (g) Order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

Any relief granted by the order for protection shall be for a fixed period not to exceed one year.

Sec. 3. Minnesota Statutes 1980, Section 595.02, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

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

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

(2) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him or his advice given thereon in the

course of professional duty; nor can any employee of ~~such~~ the attorney be examined as to ~~such~~ the communication or advice, without the client's consent;

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

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

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

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses. *This exception does not apply to a child under ten years of age, in a criminal proceeding for intrafamilial sexual abuse as defined in section 7, subdivision 10, or in a criminal proceeding under sections 609.342 clause (a), 609.343 clause (a), 609.344 clause (a), or 609.345 clause (a), who is able to describe or relate in language appropriate for a child of that age the events or facts respecting which the child is examined;*

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

Sec. 4. Minnesota Statutes 1980, Section 609.346, is amended to read:

609.346 [SUBSEQUENT OFFENSES.]

Subdivision 1. If a person is convicted of a second or subsequent offense under sections 609.342 to ~~609.346~~ 609.345 or sections 7 to 11 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.

Subd. 2. For the purposes of this section, an offense is considered a second

or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 609.342 to 609.346 or sections 7 to 11 or under any similar statute of the United States, or this or any other state.

Sec. 5. Minnesota Statutes 1980, Section 609.348, is amended to read:

609.348 [MEDICAL PURPOSES; EXCLUSION.]

Laws 1975, Chapter 374, and sections 7 to 11 shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 6. Minnesota Statutes 1980, Section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct or *intrafamilial sexual abuse*, as defined in section 7, subdivision 10, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of ~~such~~ the examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 7. [609.364] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 3 and 7 to 11, the terms in this section have the meanings given them.

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

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

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

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

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

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

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

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

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

(b) Nearer of kin to the complainant than first cousin, computed by rules of

the civil law, whether of the half or the whole blood;

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. [609.3641] [INTRAFAMILIAL SEXUAL ABUSE IN THE FIRST DEGREE.]

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

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

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

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

(b) the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably

believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;

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

(d) the complainant suffered personal injury; or

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

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

Sec. 9. [609.3642] [INTRAFAMILIAL SEXUAL ABUSE IN THE SECOND DEGREE.]

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

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

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

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

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

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

(d) the complainant suffered personal injury; or

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

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

Sec. 10. [609.3643] [INTRAFAMILIAL SEXUAL ABUSE IN THE THIRD DEGREE.]

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

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

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

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

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

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

(d) the complainant suffered personal injury; or

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

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

Sec. 11. [609.3644] [INTRAFAMILIAL SEXUAL ABUSE IN THE FOURTH DEGREE.]

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

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

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

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

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

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

(d) the complainant suffered personal injury; or

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

Subd. 2. [PENALTY.] A person convicted under subdivision 1, clause (1),

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

Sec. 12. Minnesota Statutes 1980, Section 626.556, Subdivision 2, is amended to read:

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

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345, or sections 7 to 11. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

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

(c) "Physical abuse" means:

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

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

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

Sec. 13. Minnesota Statutes 1980, Section 629.341, Subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 629.34 or any other law or rule to the contrary, a peace officer may arrest without a warrant a person ~~(1) anywhere, including at his place of residence; or (2) when the person is threatening to return to his place of residence,~~ if the peace officer has probable cause to believe the person within the preceding four hours has assaulted his spouse or other person with whom he resides, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing recent physical injury to, or impairment of physical condition of the alleged victim.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment and apply to any act which occurs on or after that date."

Delete the title and insert:

"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; prescribing penalties; amending Minnesota Statutes 1980, Sections 15.1695, Subdivision 1; 518B.01, Subdivision 6; 595.02; 609.346; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609."

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

House Conferees: (Signed) Bruce Anderson, Wayne A. Simoneau, Terry M. Dempsey

Senate Conferees: (Signed) Linda Berglin, Dennis R. Frederickson, Don Frank

Ms. Berglin moved that the foregoing recommendations and Conference Committee Report on H. F. No. 586 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. 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; prescribing penalties; amending Minnesota Statutes 1980, Sections 15.1695, Subdivision 1; 518B.01, Subdivision 6; 595.02; 609.346; 609.348; 609.35; 626.556, Subdivision 2; and 629.341, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 609.

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 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1421 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1421 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1981

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1421

A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 121.931, Subdivision 5; 123.742, by adding a subdivision; 123.743; and 136A.121, Subdivisions 4 and 5.

May 14, 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. 1421, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H.F. No. 1421 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1981", "1982", and "1983", wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1981, June 30, 1982, or June 30, 1983, respectively.

SUMMARY BY FUND

	1981	1982	1983	TOTAL
General		\$432,322,400	\$424,466,600	\$856,789,000
Tr. Hwy.		17,100	18,600	35,700
Prm. Univ.		2,500,000	2,500,000	5,000,000
Non-Game Wildlife Fund		25,000	25,000	50,000
TOTAL		434,864,500	427,010,200	861,874,700

APPROPRIATIONS
Available for the Year
Ending June 30
1982 1983

Sec. 2. DEPARTMENT OF EDUCATION

Subdivision 1. General Operations and Management		\$23,801,500	\$23,798,200
Approved Complement			
State -	536.6	535.6	
Federal -	222.9	222.9	
Special Revenue -	11.5	11.5	

	1982	1983
The amounts that may be expended from this appropriation for each program and activity are more specifically described in the following subdivisions of this section.	\$	\$

Subd. 2. Special and Compensatory
Education

\$ 5,728,500 \$ 5,695,300

Of this appropriation, \$625,000 in the first year, and \$625,000 in the second year is for Indian scholarships. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$91,000 the first year is for repair and purchase of equipment at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School. Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 3. Vocational Technical
Instruction

\$ 3,270,800 \$ 3,381,000

(a) \$416,500 the first year and \$441,000 the second year is for Minnesota curriculum services center.

(b) \$180,000 the first year and \$196,000 the second year is for the vocational student organization center.

(c) \$216,000 the first year and \$234,000 the second year is for vocational area agricultural coordinators.

(d) The amounts in (a), (b), and (c), shall be spent pursuant to agreements between the state board of education and the recipients. The agreements are not subject to the contract approval procedures of the commissioner of administration.

Until June 30, 1983, the recipient may charge fees to users of these services designed to cover the cost to the recipient of duplication and distribution, plus ten percent.

(e) Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Section 120, and required to be used for vocational education of the disadvantaged and handicapped shall be used only for grants and not for state administrative costs. This does not limit the use of grant money by a school district for its own administrative costs if otherwise permitted by federal law. The

1982
\$

1983
\$

remainder of section 120 money not required to be used for eliminating sex bias, for displaced homemakers programs, and for matching requirements in vocational education shall be used for grants for post-secondary vocational support services aid.

(f) The department shall charge municipalities, counties or other units of government, electric cooperatives and other independent telephone companies an amount to provide 25 percent of the cost of field instruction in the utilities, electric cooperatives, and telephone training. The department shall make a similar charge to the above named units of government or companies for rescue training, however, volunteers shall not be charged.

(g) On or before January 1, 1982, the commissioner of education shall submit to the legislature an examination of the adult vocational field instructor positions and services. The examination shall include a cost analysis of the following options: (1) transferring all adult vocational field instructors to area vocational-technical institutes as local employees; (2) transferring all adult vocational field instructors to area vocational-technical institutes but maintaining their status as state employees; (3) transferring a portion of the field instructors to area vocational-technical institutes; (4) maintaining field instructors as a part of the vocational division with a fee structure similar to that of the area vocational-technical institutes.

(h) Of the five state complement positions to be reduced from this program, three shall be vocational supervisors in the post-secondary and adult activity areas and two shall be professional positions to be selected at the discretion of the commissioner from within the program.

Subd. 4. Special Services

\$ 1,854,500 \$ 1,907,700

The department may fund two professional and one clerical positions from the fees and grants collected, pursuant to section 13 of this act and appropriated in section 14 of this act.

Effective July 1, 1981, all fees for private trade school licenses and for solicitor's permits are doubled. Notice of the revised fees shall be published in the state register as soon as practicable. During the biennium ending June 30, 1983, these fees shall not be decreased, but may be increased pursuant to sections 15.0412, subdi-

vision 4, 16A.128, and 214.06, as amended. Thereafter, the fees shall be set as provided in those sections.

1982

1983

\$

\$

The department shall provide on or before January 4, 1982, to the appropriate committees of the legislature a report on the administrative and regulatory activities associated with the provisions of Minnesota Statutes, Chapter 141, including details and the resulting costs and relationship of costs to the fees charged and collected.

The state board of education and the state board of teaching, after joint consultation, shall individually set consistent license fees for which they are responsible at a level sufficient to recover all department of education and board of teaching costs associated with the licensure, relicensure, and placement of teachers, administrators, and other education professionals. In setting these fees, the state board of education and the board of teaching are exempt from the public hearing process in chapter 15.

Subd. 5. Instructional Services

\$ 2,171,900 \$ 2,188,500

Of the amounts provided by this subdivision, \$17,100 in 1982 and \$18,600 in 1983 are from the trunk highway fund.

\$94,300 in the first year and \$94,900 in the second year is for the chemical dependency program. These appropriations may be expended only with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30 and only as a substitute for federal funds that are diminished or no longer available for this purpose. Up to two federal complement positions may be converted to state complement positions as needed to compensate for any loss of federal funds and as state funds are made available pursuant to this paragraph.

The department of education is authorized to apply for and receive federal money for the career education program. The department of education shall not increase its expenditure of state money or its state complement involved in career education programs above the level of the spending and complement in fiscal year 1979. The department of education shall not apply for federal career education money if the application will require an appropriation of state money at any time in the future. The department of edu-

	1982	1983
cation shall present no budget requests for state appropriations for this program in future sessions.	\$	\$

Subd. 6. School Management Services

\$ 8,601,100	\$ 8,431,100
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(a) \$800,000 in 1982 and \$850,000 in 1983 is for MECC management information services. Of this amount \$300,000 in 1982 and \$850,000 in 1983 shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30. No dollars shall be expended for new ESV-IS applications software development or major enhancements of present applications software until a systems architecture plan has been approved by the state board with the advice and assistance of the ESV computer council. The system architecture plan shall consider the formation of a central development group to be created to provide for the future development of applications software for ESV-IS. Particular emphasis shall be placed on the consolidation and coordination of software development efforts a MECC and the regional management information centers so as to reduce duplication of effort and cost.

(b) \$3,213,000 in 1982 and \$3,425,100 in 1983 is for regional support aids for regional management information centers.

(c) \$757,400 in 1982 and \$872,500 in 1983 is for regional telecommunication subsidies.

(d) \$900,000 in 1982 and \$450,000 in 1983 is for instructional timesharing telecommunications costs.

The appropriation for 1983 shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30. The Minnesota Education Computing Consortium shall charge fees to any district which uses the instructional timesharing system for a computer program which is available for use on a microcomputer. MECC shall prepare a report on the specific effects of the reduction of the instructional telecommunications subsidy for submission to the legislature on or before January 1, 1983.

(e) The department of education in consultation with MECC shall submit to the chairman of the

	1982	1983
house appropriations committee and the chairman of the senate finance committee by July 15 and December 31 of each year a progress report, proposed plans, and expenditures for educational computing.	\$	\$

(f) Any unexpended balance remaining in (a) through (e) in the first year does not cancel but is available for the second year of the biennium.

(g) \$40,000 is appropriated to a special contingent account for an evaluation of the development of the state department of education information system (SDE-IS). These funds shall be released to the office of the legislative auditor after submission of a plan to the chairmen of the house appropriations committee and the senate finance committee. The evaluation shall consider:

(1) the extent to which the present system meets all reporting requirements of the department and the cost and effort required to automate those reporting requirements which are presently not computerized;

(2) the impact of legislative mandates and changing complex statutory requirements on the system;

(3) an estimate of the resources and schedule necessary to complete development of the system and to maintain it in the future; specific consideration shall be given to the present arrangement of data processing hardware used for the system and projected hardware requirements in the future;

(4) the role of consultants in the development of the system;

(5) the adequacy of the documentation of the system as development occurs.

(h) \$40,000 shall be used by the department to hire a consultant to assist the department in implementing the recommendations in the evaluation which was performed pursuant to Laws 1979, Chapter 334, Article VI, Section 33. The consultant shall evaluate the effectiveness of the regional reporting subsidy formula and make recommendations. The consultant shall further develop a systematic mechanism for the monitoring of the financial and performance elements of the operations of the ESV regional centers. The employment of a consulting firm shall not be subject to the contract approval procedures of the commissioner of administration.

	1982	1983
Subd. 7. Auxiliary and General Support Services	\$	\$
\$ 2,009,200		\$ 2,021,800

Of the complement positions to be eliminated in the department, the commissioner shall eliminate at least one state complement position of his own choosing with a classification of education specialist IV or higher. In addition, the commissioner shall prepare a plan to reorganize the senior level management of the department. In developing the plan, the commissioner shall provide for the elimination of two state complement in the assistant commissioner and/or deputy commissioner categories. The plan shall be submitted to the chairmen of the house appropriations and senate finance committees by December 1, 1981. The department may carry two positions in excess of approved complement until January 1, 1982.

The commissioner of education with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfer shall be reported forthwith to the house appropriations and senate finance committees.

It is the intent of the legislature, except in the case of executive order to the contrary, that the department of education be allowed to transfer money among the various object of expenditure categories and activities within each program.

Subd. 8. Federal money received for strengthening state education agencies pursuant to the Elementary and Secondary Education Act of 1965, Title 4C, as amended, or pursuant to the Education Amendments of 1978, Section 404, Paragraph (a), Clause (9), or Title 5, Part B, shall be spent only for the activities and approved complement positions shown in the allocation plan for Title 4C money as approved by the conferees of the senate and house of representatives. The amounts available for expenditure for each activity are those shown in the allocation plan. Amounts necessary to support approved complement positions shown in the allocation plan may be added to or transferred among those activities by the commissioner of education, with the approval of the commissioner of finance and with notification to the committee on finance of the senate and the committee on appropriations of the house of representatives. Any other transfers or additions may be made only by the governor after consultation

	1982	1983
with the legislative advisory commission.	\$	\$

Subd. 9. Board of Teaching
\$ 165,500 \$ 172,800

Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. General Operations and Management	43,528,600	44,103,900
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Salaries and Expenses
\$ 2,003,800 \$ 2,018,200

This appropriation includes sufficient state money to offset anticipated loss of federal money in the policy planning and research activities. If any federal money becomes available for this activity, an equal amount of state money shall cancel to the general fund.

This appropriation includes money for the administration of the state student assistance programs, program planning and coordination, policy planning and research, and agency management services.

This appropriation includes money for continuation of the optometry and osteopathy contract program. No more than eight new students shall be admitted to the program each year. The higher education coordinating board shall amend the contracts with participating institutions to provide that continued participation by the state of Minnesota be contingent upon the availability of appropriations for the program.

Subd. 3. State Scholarship, Nurses
Scholarship and State Grant-In-Aid
\$27,720,000 \$27,720,000

The general goal of this program is that the proportion of funds flowing to students attending private institutions not exceed a figure which is approximately 50 percent of the total amount of money available.

It is expected that approximately \$3,000,000 of this appropriation will revert to the general fund at the end of fiscal year 1983.

Subd. 4. Part Time Student
Subsidy
\$ 300,000 \$ 300,000

	1982	1983
Subd. 5. Special Assistance	\$	\$
\$ 1,200 \$ 1,200		

Subd. 6. Interstate Tuition Reciprocity		
\$ 5,300,000 \$ 5,669,000		

If the appropriation for either year is insufficient, the appropriation for the other year is available to meet reciprocity contract obligations.

Subd. 7. State Work Study		
\$ 3,892,000 \$ 4,067,000		

Subd. 8. Medical Student Loans		
\$ 81,000 \$ 222,000		

No new participants shall be admitted to this program after June 30, 1981. This appropriation shall be used to meet the renewal loan requests of participants who entered the program prior to June 30, 1981 and to make principal and interest payments on outstanding bonds.

Subd. 9. AVTI Tuition Subsidy		
\$ 1,400,000 \$ 1,400,000		

Any unexpended balance in this subdivision remaining at the end of the first year does not cancel but is available for the purposes of subdivision 3 above for the second year.

Subd. 10. Private College Contracts		
\$ 2,105,000 \$ 2,105,000		

Any private educational institution that holds classes or other scheduled educational activities on evenings of precinct caucuses as defined by Minnesota Statutes, Chapter 202A is ineligible to receive money from this appropriation.

Subd. 11. Regional Coordination and Service		
\$ 132,600		

Subd. 12. Minitex Library Program		
\$ 557,900 \$ 601,500		

Subd. 13. Southwest and West Central Consortium		
\$ 35,100		

Subd. 14. The nursing articulation task force shall submit a report to the higher education coordinating board by January 1, 1982. The report shall include, but not necessarily be limited to: (1) a documentation of the changes in the curricula that existing nursing education pro-

grams will implement before January 1, 1983; (2) a documentation of the changes in the transfer policies and policies for advanced placement of licensed nurses that each institution will implement before January 1, 1983; and (3) a set of specific alternatives for providing additional educational opportunities for licensed nurses in all areas of the state which could be implemented on or before July 1, 1983.

The higher education coordinating board shall present its recommendations on the above mentioned report to the chairmen of the house appropriations and senate finance committees.

Subd. 15. Notwithstanding any other provision to the contrary, none of the personnel, powers, or duties of the higher education coordinating board shall be transferred to any other department, higher education system, or other part of state government.

Subd. 16. Any unexpended balances in this section, except subdivisions 8, 11 and 13 remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 4. STATE UNIVERSITY BOARD

Subdivision 1. General Operations
and Management

1982

\$

1983

\$

83,757,300 82,298,700

The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Maintenance and
Equipment

\$81,653,500 \$80,649,100

This appropriation includes an amount not to exceed \$1,482,300 in 1982 and \$1,770,300 in 1983 for partial support of the temporary increase in enrollment. None of this amount shall be available unless full year equivalent enrollment exceeds the threshold level of 31,505. For each full year equivalent student in excess of the threshold level \$653 shall be available. The full year equivalent enrollment figure to be used in determining the amount of partial enrollment support to be available in fiscal year 1982 shall be the actual full year equivalent enrollment for fiscal year 1981. In like manner, the full year equivalent enrollment for fiscal year 1982 shall be used in determining the amount to be available in fiscal year 1983. The number of students generating partial enrollment support is limited

by the amount appropriated above. If the number of students exceeds the number which can be supported by the appropriation, those students shall be supported by tuition revenue only.

1982

\$

1983

\$

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

(a) The appropriation in subdivision 2 includes \$120,000 in 1982 and \$130,000 in 1983 for enrollment and staffing stabilization.

(b) If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 3.

No additional funding shall be available for the above program after June 30, 1983.

(c) The amounts appropriated in subdivision 2 include a sum in each year for recruitment of unclassified staff.

Notwithstanding the provisions of Minnesota Statutes, Chapters 15A and 43A, the state university board may establish executive salaries within the state university system.

Subd. 3. State University Board Contingent

\$ 500,000

Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.

Subd. 4. Federal Student Loans - State Matching

\$ 175,000 \$ 175,000

Subd. 5. Federal Work Study - State Matching

\$ 518,000 \$ 518,000

	1982	1983
Any unexpended balances in subdivisions 4 and 5 remaining in the first year do not cancel but are available for the second year of the biennium. If the amounts appropriated in subdivision 5 are insufficient to fully match federal money available, the state university board may transfer money from the appropriations in subdivisions 1 or 3 to this program. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1980.	\$	\$

Subd. 6. Repairs and Betterments

\$ 910,800	\$ 956,600
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Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

The state university board, with the concurrence of the commissioner of finance and the chairmen of the senate finance and house appropriations committees, may transfer excess fuel and utility money appropriated in subdivision 2 to the repair and betterment account to fund energy conservation related building repairs and improvements.

Subd. 7. A report shall be submitted to the 73rd session of the legislature on the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

Sec. 5. STATE COMMUNITY COLLEGE BOARD

Subdivision 1. General Operations and Management

40,349,000	38,661,000
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Subd. 2. Operations and Maintenance

\$38,797,800	\$37,587,500
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This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Notwithstanding the provisions of Minnesota Statutes, Chapters 15A and 43A, the state com-

	1982	1983
munity college board may establish executive salaries within the community college system.	\$	\$

An amount not to exceed \$861,900 in 1982 and \$861,900 in 1983 is for partial support of the temporary increase in enrollment. None of this amount shall be available unless full year equivalent enrollment exceeds the threshold level of 21,247. For each full year equivalent student in excess of the threshold level \$533 shall be available. The full year equivalent enrollment figure to be used in determining the amount of partial enrollment support to be available in fiscal year 1982 shall be the actual full year equivalent enrollment for fiscal year 1981. In like manner, the full year equivalent enrollment for fiscal year 1982 shall be used in determining the amount to be available in fiscal year 1983. The number of students generating partial enrollment support is limited by the amount appropriated above. If the number of students exceeds the number which can be supported by the appropriation, those students shall be supported by tuition revenue only.

Rental funds are appropriated in the amount of \$194,800 for the biennium. A request for release of these funds shall be submitted and reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations are advisory only. Failure to make a recommendation promptly is deemed a negative recommendation.

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

(a) The appropriation in subdivision 2 includes \$40,000 in 1982 and \$60,000 in 1983 for enrollment and staffing stabilization.

(b) If the amounts in (a) are insufficient for this purpose, the board may request additional money from the contingent fund in subdivision 7.

No additional funding shall be available for the

	1982	1983
above program beyond June 30, 1983.	\$	\$

Subd. 3. Program Development
\$ 300,000

Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.

Subd. 4. Learning Centers
\$ 231,300 \$ 232,500

The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1982 for the first year and January 1, 1983 for the second year on the use of the money in this appropriation.

Subd. 5. Federal Student Loan -
State Matching
\$ 35,000 \$ 35,000

Subd. 6. Federal Work Study -
State Matching
\$ 365,600 \$ 365,600

If the amounts appropriated are insufficient to fully match federal money available, the community college board may transfer money available from the appropriation in subdivision 2 to this program.

Subd. 7. State Community College
Board Contingent
\$ 200,000

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

Subd. 8. Repairs and Betterments
\$ 419,300 \$ 440,400

Any unexpended balances in this section, except subdivision 2, remaining in the first year do not cancel but are available for the second year of the biennium.

Sec. 6. UNIVERSITY OF MINNESOTA	241,904,400	236,481,100
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The amounts that may be expended from this appropriation for each purpose are more specifically described in the following three sections of this act.

	1982	1983
Sec. 7. UNIVERSITY OF MINNESOTA:	\$	\$
GENERAL		
Subdivision 1. Operations and Maintenance	199,393,400	195,818,100

These appropriations are made from:

(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and

(b) The general fund. It is estimated that the amount required from the general fund will be at least \$196,893,400 for the first year and \$193,318,100 for the second year.

The university is authorized to retain 2-1/2 percent of the indirect cost recoveries and this amount shall be expended to improve its ability to attract nonstate money. A report on the expenditures of this money with an analysis of apparent results shall accompany the university's annual report on expenditure of excess receipts.

On October 1, 1982 and 1983 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

(1) The total amount of receipts during the fiscal year 1982 from all sources in excess of \$93,179,300 and during the fiscal year 1983 from all sources in excess of \$101,522,400;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund is reduced accordingly.

State appropriations for fellowship programs shall cancel if replacement federal money becomes available during the 1981-1983 biennium.

In preparing the university's legislative budget

request for the 1983-1985 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

This appropriation includes money to provide direct support services to handicapped students.

This appropriation includes money for a program for the education of teachers of children with vision and hearing impairments. This appropriation shall only be available if it is matched by an equal amount of money from the federal government, private sources, or reallocation of existing funds from the budgets of the university and the state universities. The university shall operate this program in cooperation with the state university system and other teacher education institutions.

Additional funding for nursing programs for fiscal year 1983 shall not be available until the higher education coordinating board has presented its recommendations on the nursing articulation task force report to the chairmen of the house appropriations and senate finance committees and the chairmen have made their recommendations thereon. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. The nursing articulation task force report is further described in section 3, subdivision 14 of this act.

Subd. 2. Salary Increase Authorization

Salary supplements for employees of the University of Minnesota are approved as follows:

(a) Academic employees

(1) Academic employees who are not represented by an exclusive representative. The commissioner of finance, in consultation with the chairmen of the house appropriations and senate finance committees, shall determine the average of the percentage increases provided from the salary supplement appropriation to the state university instructional unit, and the community college instructional unit. That average shall be the basis for determining the amount of the approved salary supplement.

(2) Academic employees who are represented by an exclusive representative shall receive salary supplements in accordance with the collective bargaining agreements approved pursuant to chapter 179.

(b) Non-academic employees

1982

1983

\$

\$

	1982	1983
	\$	\$
(1) Non-academic employees who are not represented by an exclusive representative. The commissioner of finance shall determine the average of the percentage increase provided from the salary supplement appropriation to classes of state employees which are approximately comparable to classes of university employees. That average shall be the basis for determining the amount of the approved salary supplement.		

(2) Non-academic employees who are represented by an exclusive representative shall receive salary supplements in accordance with the collective bargaining agreements approved pursuant to chapter 179.

The amounts needed to provide the above salary supplements shall be provided to the University of Minnesota from the salary supplement appropriation in the state departments appropriations act.

The salary supplements provided by this subdivision shall be submitted to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.

Sec. 8. UNIVERSITY OF MINNESOTA: SPECIAL PROGRAMS

Subdivision 1. Student Loans - State Matching	175,000	175,000
Subd. 2. Disadvantaged Students	361,500	361,500

This appropriation shall be used for providing counseling, tutorial, and other direct services to disadvantaged students.

Subd. 3. Fellowship for Minority and Disadvantaged Students	71,500	
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Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 4. Intercollegiate Athletics	1,494,700	1,494,700
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This appropriation shall be used as a general offset to the expenses of intercollegiate athletics.

Subd. 5. Summer School Tuition and Continuing Education Supplement	1,202,200	1,164,200
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This appropriation includes money for the administration of the elderhostel program and construction of a tower at Rochester.

Subd. 6. Medical Services and Instruction ..	1,771,800	1,746,800
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This appropriation includes money for the final

	1982	1983
appropriation for the rural hospital cooperative program	\$	\$

This appropriation includes money for the occupational and physical therapy instructional grants replacement.

Subd. 7. Health Sciences Contingent	3,212,500	1,212,500
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Any unexpended balance remaining in the first year does not cancel but is available for the second year of the biennium.

Portions or all of the above appropriation are available upon submission of required documentation that federal health sciences capitation money has been reduced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. The replacement will be adjusted to reflect faculty and civil service salary increases granted to the university for the 1981-1983 biennium. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations are advisory only. Failure to make a recommendation promptly is deemed a negative recommendation.

Sec. 9. UNIVERSITY OF MINNESOTA: RESEARCH

Subdivision 1. General Research	2,064,900	2,064,900
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. Mineral Resource Research Center	307,500	307,500
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Subd. 3. General Agricultural Research	8,899,800	8,899,800
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This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, swine disease, corn improvement and irrigation.

The university shall establish an advisory council system for each experiment station. The advisory councils shall be broadly representative of range of size and income distributions for farms and agribusiness, and shall not be disproportionately represented by those from the upper half of the size and income distributions of farms and agribusiness.

Subd. 4. Hormel Institute - Austin	135,100	135,100
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	1982	1983
To support the operation of the institute and to promote research by the institute. \$	\$	\$
Subd. 5. Medical Research	1,673,900	1,673,900
Subd. 6. Coleman Leukemia Research Fund	150,000	200,000
Subd. 7. Veterinary Diagnostic Laboratory and Teaching Hospital	776,400	776,400
This appropriation includes \$25,000 from the nongame wildlife fund for the Raptor Rehabilitation and Research Clinic.		
Subd. 8. Geological Survey	565,300	565,300
Subd. 9. Lake Superior Basin Studies	114,500	114,500
Subd. 10. Sea Grant	100,200	100,200
Subd. 11. Plant Biomass Research	112,500	125,000
Subd. 12. Immigration History Research Center	225,000	

Portions of the above appropriation are available upon submission of required documentation that each dollar in state money has been matched by at least two dollars in money contributed from non-state and non-federal sources; that each dollar in state money has been matched by at least one dollar in federal money and that the total amount provided by the state does not exceed the total amount provided by the federal government. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees and the chairmen shall make recommendations on the requests. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Subd. 13. Science and Technical Center ...	125,000	125,000
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Sec. 10. UNIVERSITY OF MINNESOTA: COMMUNITY SERVICES

Subdivision 1. Agricultural Extension Service	8,729,600	8,729,600
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

This appropriation includes money each year for the sawyer training program. It also includes money for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.

	1982	1983
Subd. 2. For State's Share of Expenses of County Indigent Patients	\$ 2,000,000	\$ 2,000,000

Subd. 3. Special Hospitals, Community Service, and Educational Offset	7,270,500	7,270,500
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Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals, to be available until June 30, 1983.

Subd. 4. Industrial Relations Education Program	520,600	520,600
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Subd. 5. Inflation Allowance - University Specials	451,000	900,000
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The appropriations in section 7 for operations and maintenance funding for the agricultural extension service, for the faculty travel fund and for the university hospitals outpatient clinics shall be merged with the appropriate special appropriations in fiscal years 1982 and 1983.

Sec. 11. MAYO MEDICAL

Subdivision 1. Medical School	1,367,700	1,499,300
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The state of Minnesota shall pay a capitation of \$8,998 in fiscal year 1982 and \$9,799 in fiscal year 1983 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Subd. 2. Family Practice and Graduate Residency Program	156,000	168,000
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The state of Minnesota shall pay capitation of \$13,000 in fiscal year 1982 and \$14,000 in fiscal year 1983 for a maximum of 12 students each year.

Sec. 12. Minnesota Statutes 1980, Section 15.38, is amended to read:

15.38 [NON-INSURANCE OF STATE PROPERTY; ~~STILLWATER CORRECTIONAL FACILITY, EXCEPTION EXCEPTIONS.~~]

Subdivision 1. [INSURANCE PROHIBITED.] No public funds shall be expended on account of any insurance upon state property against loss or damage by fire or tornado, nor shall any state officer or board contract for or incur any indebtedness against the state on account of any such insurance, except ~~that~~ *as specifically authorized in this section, section 15.39, or other law.*

Subd. 2. [STILLWATER PRISON.] The commissioner of corrections is authorized in his discretion to insure the state of Minnesota against loss by fire or tornado to the Minnesota correctional facility-Stillwater, or the contents thereof, in any insurance companies licensed to do business in this state, in such an amount as he may from time to time determine and to pay the premiums therefor from the revolving fund of the institution.

Subd. 3. [STATE UNIVERSITIES.] The state university board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state universities.

Subd. 4. [COMMUNITY COLLEGES.] The community college board may purchase insurance coverage as it deems necessary and appropriate for activities ancillary to the programs of the state community colleges.

Sec. 13. Minnesota Statutes 1980, Section 123.742, is amended by adding a subdivision to read:

Subd. 3. The department may provide available curriculum information for improving teaching practices at public elementary, secondary and post-secondary vocational schools. The information may be provided upon the request of a school district or an educational cooperative service unit with which the department has a written agreement. The department may collect reasonable fees not to exceed its actual costs for this service. The department may also accept money from any public or private source to defray the cost of this service.

Sec. 14. Minnesota Statutes 1980, Section 123.743, is amended to read:

123.743 [APPROPRIATION.]

There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 123.742, subdivision 2 and section 13 of this act.

Sec. 15. Minnesota Statutes 1980, Section 136A.121, Subdivision 4, is amended to read:

Subd. 4. A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 in the 1979-1980 school year, \$1,250 in the 1980-1981 school year and up to \$1,400 in the 1981-1982 school year and subsequent school years to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants need, whichever is the lesser. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships.

Sec. 16. Minnesota Statutes 1980, Section 136A.121, Subdivision 5, is amended to read:

Subd. 5. A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 in the 1979-1980 school year, \$1,250 in the 1980-1981 school year and up to \$1,400 in the 1981-1982 school year and subsequent school years to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need, or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants need, whichever is the lesser.

Sec. 17. Minnesota Statutes 1980, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. [CURRICULA; TEST.] The commissioner of education shall develop curricula ~~which may~~ and a test to be used for nursing assistant training programs for employees of nursing homes. The curricula, as reviewed and

evaluated by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs. *The test may be given by any area vocational-technical institute or community college in accordance with instructions from the commissioner of education. The commissioner of education may prescribe a fee for the administration of the test not to exceed \$30.*

Sec. 18. [REPEALER.]

Minnesota Statutes 1980, Section 123.939, is repealed."

Delete the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sections 15.38; 123.742, by adding a subdivision; 123.743; 136A.121, Subdivisions 4 and 5; and 144A.61, Subdivision 3; repealing Minnesota Statutes 1980, Section 123.939."

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

House Conferees: (Signed) Lyndon R. Carlson, James C. Swanson, Richard J. Welch, Bruce G. Nelsen, Wendell O. Erickson

Senate Conferees: (Signed) Tom A. Nelson, Gerald L. Willet, Timothy J. Penny, Robert J. Tennessen, John B. Keefe

Mr. Willet moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1421 be now adopted, and that the bill be repassed as amended by the Conference Committee.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Ashbach	Hughes	Luther	Peterson, R. W.	Solón
Berglin	Humphrey	Menning	Petty	Spear
Bertram	Keefe	Moe, D. M.	Pillsbury	Stokowski
Chmielewski	Knöll	Moe, R. D.	Purfeerst	Stumpf
Dahl	Knutson	Nelson	Ramstad	Tennessen
Davies	Kroening	Olhoft	Renneke	Vega
Dicklich	Langseth	Pehler	Schmitz	Waldorf
Dieterich	Lantry	Penny	Setzepfandt	Wegener
Hanson	Lessard	Peterson, C. C.	Sikorski	Willet

Those who voted in the negative were:

Bang	Bernhagen	Frank	Kronebusch	Rued
Belanger	Brataas	Frederick	Lindgren	Sieloff
Benson	Davis	Frederickson	Merriam	Ulland
Berg	Engler	Kamrath	Peterson, D. L.	

The motion prevailed. So the recommendations and Conference Committee report were adopted.

H. F. No. 1421: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes, including the department of education, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals, with certain conditions; amending Minnesota Statutes 1980, Sec-

tions 15.38; 123.742, by adding a subdivision; 123.743; 136A.121, Subdivisions 4 and 5; and 144A.61, Subdivision 3; repealing Minnesota Statutes 1980, Section 123.939.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, 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 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.

Mr. Stern, Mrs. Brataas and Mr. Dicklich introduced—

S.F. No. 1439: A bill for an act relating to health; requiring immediate availability of counseling when notice of minor's impending abortion is delivered; amending Minnesota Statutes 1980, Section 144.343, as amended in 1981, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Stern, Mrs. Brataas and Mr. Dicklich introduced—

S.F. No. 1440: A bill for an act relating to health; prescribing procedures for notifying the putative father or his parents, when practical, before performing an abortion on certain persons; amending Minnesota Statutes 1980, Section 144.343, as amended in 1981, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1441: A bill for an act relating to state government; supplementing appropriations for the expenses of state government with certain conditions; amending Minnesota Statutes 1980, Sections 124.32, Subdivision 1;

256B.02, Subdivision 8, as amended; 256B.03; 256B.06, Subdivision 1, as amended; 256B.08; amending laws enacted at the 1981 regular session styled as H. F. No. 70, Article I, Section 21, Subdivision 1; and H. F. No. 1446, Article II, Section 2, Subdivision 1.

Mr. Willet moved that S. F. No. 1441 be referred to the Committee on Taxes and Tax Laws. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 8:00 p.m. The motion prevailed.

The hour of 8:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R. D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pehler moved that the following members be excused for a Conference Committee on H. F. No. 1445 at 8:00 p.m.:

Messrs. Johnson; Peterson, C.C.; Hanson; Pehler and Ms. Berglin. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

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. 915: A bill for an act relating to sheriff fees; prescribing fees to be charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2; and by adding a subdivision.

Senate File No. 915 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 915 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 915: A bill for an act relating to sheriff fees; prescribing fees to be

charged by the sheriff; amending Minnesota Statutes 1980, Section 357.09, Subdivisions 1 and 2, and by adding a subdivision; repealing Laws 1978, Chapter 743, Section 12.

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 44 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Petty	Stokowski
Belanger	Engler	Lessard	Pillsbury	Stumpf
Benson	Frank	Luther	Ramstad	Taylor
Berg	Frederickson	Menning	Renneke	Tennessen
Bertram	Knoll	Moe, R.D.	Schmitz	Vega
Brataas	Knutson	Olhoft	Setzepfandt	Waldorf
Chmielewski	Kroening	Penny	Sieloff	Wegener
Davis	Kronebusch	Peterson, D.L.	Solon	Willet
Davis	Langseth	Peterson, R.W.	Spear	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 513: A bill for an act relating to interest; clarifying the usury exemption on certain loans; increasing rates of interest on loans for business and agricultural transactions and loans made by agricultural credit corporations; removing certain deficiencies and ambiguities; amending Minnesota Statutes 1980, Sections 334.01, Subdivision 2; 334.011, Subdivision 1; and 334.061.

Senate File No. 513 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

Mr. Penny moved that S. F. No. 513 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. 17: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

Senate File No. 17 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 17 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 17 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 46 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lessard	Pillsbury	Taylor
Belanger	Frank	Luther	Purfeerst	Tennessen
Benson	Frederickson	Menning	Ramstad	Ulland
Berg	Humphrey	Moe, D.M.	Renneke	Vega
Brataas	Knoll	Moe, R.D.	Schmitz	Wegener
Chmielewski	Knutson	Nelson	Setzepfandt	Willet
Dahl	Kroening	Olhoft	Solon	
Davies	Kronebusch	Penny	Spear	
Davis	Langseth	Peterson, R.W.	Stokowski	
Dicklich	Lantry	Petty	Stumpf	

Those who voted in the negative were:

Bernhagen	Bertram	Engler	Peterson, D.L.	Waldorf
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So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 1005: A bill for an act relating to local housing programs; authorizing certain combined multifamily housing and health care facility developments; providing an exemption from the limits on aggregate amount of bonds that may be issued; amending Minnesota Statutes 1980, Section 462C.05, Subdivision 1, and by adding a subdivision.

Senate File No. 1005 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mrs. Brataas moved that the Senate concur in the amendments by the House to S. F. No. 1005 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1005 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 49 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Langseth	Peterson, R. W.	Spear
Bang	Dicklich	Lantry	Petty	Stokowski
Belanger	Dieterich	Lessard	Pillsbury	Taylor
Benson	Engler	Luther	Purfeerst	Tennesen
Berg	Frank	Moe, D. M.	Ramstad	Ulland
Bernhagen	Frederickson	Moe, R. D.	Renneke	Vega
Bertram	Humphrey	Nelson	Rued	Waldorf
Brataas	Knutson	Olhoff	Schmitz	Wegener
Chmielewski	Kroening	Penny	Setzepfandt	Willet
Dahl	Kronebusch	Peterson, D. L.	Solon	

Messrs. Davis and Knoll voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 315: A bill for an act relating to health; establishing a state advisory task force on epilepsy; appropriating money.

Senate File No. 315 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S. F. No. 315 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 315 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 132.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

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:

H. F. No. 769: Messrs. Penny, Stern and Pillsbury.

S. F. No. 31: Messrs. Dieterich, Stumpf and Belanger.

S. F. No. 937: Messrs. Petty, Frank and Mrs. Kronebusch.

S. F. No. 368: Ms. Berglin, Messrs. Humphrey and Belanger.

S. F. No. 179: Messrs. Chmielewski, Lessard and Belanger.

S. F. No. 1154: Messrs. Chmielewski, Rued and Lessard.

H. F. No. 1474: Messrs. Nelson, Penny, Willet, Keefe and Stumpf.

H. F. No. 1475: Messrs. Luther, Willet, Menning, Purfeerst and Ashbach.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

was referred

S. F. No. 1382: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and errors of a noncontroversial nature; amending H.F. No. 332, Sections 11, Subdivision 4; and 15, Subdivision 1.

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

Page 1, after line 14, insert:

"Sec. 3. A law enacted at the 1981 regular session styled as H.F. No. 332, section 10, subdivision 1, is amended in paragraph (e) by deleting "at the hearing"

Sec. 4. Minnesota Statutes 1980; Section 595.02, as amended by Laws 1981, Chapter 131, Section 2, is amended to read:

595.02 [COMPETENCY OF WITNESSES.]

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

(1) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other; be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for non-support, neglect, dependency, or termination of parental rights;

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

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

(4) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of his patient, be allowed to disclose any information or any opinion based thereon which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity; after the decease of such patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the

beneficiaries shall be deemed to be the personal representatives of such deceased person for the purpose of waiving the privilege hereinbefore created, and no oral or written waiver of the privilege hereinbefore created shall have any binding force or effect except that the same be made upon the trial or examination where the evidence is offered or received;

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

(6) Persons of unsound mind; persons intoxicated at the time of their production for examination, and children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses;

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

(8) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication ~~of the person~~ if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which he is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

Sec. 5. Minnesota Statutes 1980, Section 15.0413, as amended at the 1980 regular session by a law styled as S.F. No. 1043, is amended to read:

15.0413 [EFFECT OF ADOPTION OF RULES; ADOPTION OF RULES OTHERWISE EXEMPT FROM PROCEDURES.]

Subdivision 1. [FORCE OF LAW.] Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law five working days after its notice of adoption is published in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Subd. 2. [AMENDMENTS; REPEALERS; SUSPENDED RULES.] Each rule hereafter amended, suspended, or repealed is amended, suspended, or repealed five working days after the appropriate notice is published in the state register unless a later date is required by law or specified in the rule.

Subd. 3. [EXEMPT AGENCIES AND RULES.] (a) Any rules adopted, amended, suspended, or repealed by any agency but excluded from the administrative procedure act by section 15.0411, subdivision 2, shall have the force and effect of law upon compliance with the procedures of paragraph (c) of this subdivision. However, this subdivision does not apply to:

(1) rules implementing emergency powers pursuant to sections 12.31 to 12.37;

(2) rules of agencies directly in the legislative or judicial branches; or

(3) rules of the regents of the University of Minnesota.

(b) Rules adopted, amended, suspended, or repealed by any agency but excluded from the definition of "rule" in section 15.0411, subdivision 3, shall have the force and effect of law upon compliance with paragraph (c) of this subdivision.

However, this subdivision does not apply to:

(1) rules concerning only the internal management of the agency or other agencies, and which do not directly affect the rights of or procedure available to the public; or,

(2) opinions of the attorney general.

(c) The rules have the force and effect of law if:

(1) the revisor of statutes approves the form of the rules by certificate;

(2) two copies of the rules with the revisor's certificate are filed in the office of the secretary of state; and,

(3) a copy is published in the state register.

(d) The rules become effective five working days after publication in the state register. The secretary of state shall forward one copy of each rule to the revisor of statutes. Rules filed in accordance with this subdivision, as it is in effect on the date the rules ~~are~~ were filed, shall be included in Minnesota Rules.

(e) Any law exempting an agency or rule from sections 15.0411 to 15.052 shall not be construed as preventing an agency from complying with this subdivision, unless the law specifically provides to the contrary.

Subd. 3a. [PREVIOUSLY FILED RULES; PREVIOUSLY EXEMPT AGENCIES.] Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, have the force and effect of law and shall be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if the rules were:

(1) adopted by an agency; and,

(2) filed with the secretary of state before April 25, 1980.

Subd. 3b. [UNFILED RULES; PREVIOUSLY EXEMPT AGENCIES.] Rules excluded from the administrative procedure act in Minnesota Statutes 1978, Section 15.0411, Subdivision 2, but included in the rulemaking provisions of the act in Minnesota Statutes 1980, Section 15.0411, Subdivision 2, shall have the force and effect of law and be published by the revisor of statutes pursuant to section 648.50, to the extent the rules are still in effect, if:

(1) the rules were adopted by an agency;

(2) the rules were not filed with the secretary of state before April 25, 1980; and,

(3) a copy of the rules which were effective on April 25, 1980, but unfilled with the secretary of state are filed with both the secretary of state and the

revisor of statutes before September 1, 1981.

Sec. 6. A law enacted at the 1980 regular session styled as S.F. No. 876, is amended by deleting section 30, subdivision 3.

Sec. 7. Minnesota Statutes 1980, Section 47.20, Subdivision 6a, as amended by Laws 1981, Chapter 137, Section 6, is amended to read:

Subd. 6a. If the purpose of a conventional loan, or loan made pursuant to the authority granted in subdivision 1, clause (3) or (4), is to enable a borrower to purchase a one to four family dwelling for his or her primary residence, the lender shall consent to the subsequent transfer of the real estate and shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making conventional loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the real estate used as collateral, (2) executes an agreement in writing with the lender whereby the transferee assumes the obligations of the existing borrower under the loan instruments, and (3) executes an agreement in writing to pay interest on the remaining obligation at a new interest rate which will be the ~~bank's lender's~~ current market rate of interest on similar loans at the time of the transfer, but which will be no greater than the most recently published monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument."

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 6, after "Sections" insert "10, Subdivision 1;"

Page 1, line 6, before the period, insert "; amending Minnesota Statutes 1980, Sections 15.0413, as amended; 47.20, Subdivision 6a, as amended; 595.02, as amended; and 1980 S. F. No. 876"

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

S. F. No. 276: A bill for an act relating to health; establishing a study commission on the use of state facilities in lieu of reimbursing private facilities for some purposes.

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

Page 1, line 9, delete "two" and insert "three"

Page 1, line 10, delete "two" and insert "three"

And when so amended the bill be re-referred to the Committee on Health, Welfare and Corrections. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 2, 1981:

COUNCIL ON QUALITY EDUCATION

Patt Hobbs
Lucille E. Lackore
Judith Roy

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R. D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 1382 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Chmielewski moved that S. F. No. 436 be taken from the table. The motion prevailed.

S. F. No. 436: A bill for an act relating to children; providing for review of foster care status of certain children; amending Minnesota Statutes 1980, Sections 257.071, Subdivisions 2, 3 and 4; 260.015, Subdivision 7; 260.111, Subdivision 2; and 260.131, by adding a subdivision; proposing new law to be coded in Minnesota Statutes, Chapter 260.

CONCURRENCE AND REPASSAGE

Mr. Chmielewski moved that the Senate concur in the amendments by the House to S. F. No. 436 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 436 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 59 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	Luther	Purfeerst	Taylor
Bernhagen	Frederickson	Menning	Ramstad	Tennessen
Bertram	Humphrey	Merriam	Renneke	Ulland
Brataas	Kamrath	Moe, D. M.	Rued	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Nelson	Setzepfandt	Wegener
Davies	Knutson	Olhoft	Sieloff	Willet
Davis	Kroening	Penny	Solon	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that S. F. No. 269, No. 9 on General Orders, be stricken

and returned to the Committee on Public Employees and Pensions. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Hughes moved that the following members be excused for a Conference Committee on S. F. No. 1251 from 8:00 to 9:45 p.m.:

Messrs. Hughes, Merriam and Lindgren. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 493 a Special Order to be heard immediately.

H. F. No. 493: A bill for an act relating to energy; authorizing the Minnesota energy agency to administer a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota constitution; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; 429.021, Subdivision 1; and 474.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 16, 116H, 216B, 465, and 475.

CALL OF THE SENATE

Mr. Humphrey imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

H. F. No. 493 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 50 and nays 13, as follows:

Those who voted in the affirmative were:

Belanger	Engler	Lessard	Penny	Spear
Berglin	Frank	Lindgren	Peterson, C.C.	Stern
Bernhagen	Frederickson	Luther	Peterson, D.L.	Stokowski
Bertram	Hanson	Menning	Peterson, R.W.	Stumpf
Chmielewski	Hughes	Merriam	Petty	Tennessen
Dahl	Humphrey	Moe, D. M.	Ramstad	Ulland
Davies	Knoll	Moe, R. D.	Rued	Vega
Davis	Kroening	Nelson	Schmitz	Waldorf
Dicklich	Langseth	Olhott	Setzepfandt	Wegener
Dieterich	Lantry	Pehler	Solon	Willet

Those who voted in the negative were:

Ashbach	Berg	Kamrath	Kronebusch	Taylor
Bang	Brataas	Keefe	Pillsbury	
Benson	Frederick	Knutson	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill

Scheduling, designated H. F. No. 900 a Special Order to be heard immediately.

H. F. No. 900: A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds for the acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units and for the acquisition and betterment of state parks, trails, forest, fish and wildlife management, scientific and natural areas, water accesses, wild, scenic and recreational rivers, and canoe and boating routes by the commissioner of natural resources; changing the terms of certain grants administered by the state planning agency; appropriating money; amending Minnesota Statutes 1980, Section 4.36, Subdivision 2; repealing Laws 1979, Chapter 301, Section 6, Subdivision 1.

Mr. Berg moved to amend H.F. No. 900 as follows:

Page 1, line 23, delete "\$30,320,000" and insert "\$25,320,000"

Page 1, line 28, delete "\$12,490,000" and insert "\$7,490,000"

CALL OF THE SENATE

Mr. Willet imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Keefe moved to amend the Berg amendment to H. F. No. 900 as follows:

Line 2 of the Berg amendment, delete "\$25,320,000" and insert "\$12,500,000"

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

The question recurred on the Berg amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 42, as follows:

Those who voted in the affirmative were:

Bang	Bertram	Frederickson	Peterson, D. L.	Rued
Benson	Engler	Kamrath	Purfeerst	Taylor
Berg	Frederick	Kronebusch	Renneke	Ulland
Bernhagen				

Those who voted in the negative were:

Belanger	Hughes	Luther	Peterson, R. W.	Stumpf
Brataas	Humphrey	Menning	Petty	Tennesen
Chmielewski	Keefe	Merriam	Pillsbury	Vega
Dahl	Knoll	Moe, D. M.	Ramstad	Waldorf
Davies	Kroening	Moe, R. D.	Setzepfandt	Wegener
Davis	Langseth	Nelson	Sieloff	Willet
Dicklich	Lantry	Olhott	Spear	
Dieterich	Lessard	Pehler	Stern	
Frank	Lindgren	Penny	Stokowski	

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

Mr. Keefe moved to amend H.F. No. 900 as follows:

Page 1, line 23, delete "\$30,320,000" and insert "\$28,725,600"

Page 4, delete lines 33 to 36

Page 5, delete lines 1 to 21

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Frederickson	Lindgren	Rued
Bang	Brataas	Kamrath	Peterson, D.L.	Taylor
Benson	Dicklich	Keefe	Pillsbury	Ulland
Berg	Engler	Kronebusch	Ramstad	Waldorf
Bernhagen	Frederick	Lessard	Renneke	

Those who voted in the negative were:

Belanger	Humphrey	Moe, D. M.	Purfeerst	Tennessee
Chmielewski	Knoll	Moe, R. D.	Schmitz	Vega
Dahl	Kroening	Nelson	Setzepfandt	Wegener
Davies	Langseth	Olhoft	Sieloff	Willet
Davis	Lantry	Pehler	Spear	
Dieterich	Luther	Penny	Stern	
Frank	Menning	Peterson, R.W.	Stokowski	
Hughes	Merriam	Petty	Stumpf	

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

H. F. No. 900 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 45 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Brataas	Kamrath	Peterson, D.L.	Sieloff
Berg	Chmielewski	Keefe	Pillsbury	Taylor
Bernhagen	Frederick	Kronebusch	Renneke	Tennessee
Bertram	Frederickson	Langseth	Rued	Ulland

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R. D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 3 a Special Order to be heard immediately.

H. F. No. 3: A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain

funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; and 261.27.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Knoll	Peterson, D.L.	Sieloff
Bang	Engler	Kroening	Peterson, R.W.	Stern
Benson	Frank	Kronebusch	Petty	Stokowski
Berg	Frederick	Langseth	Pillsbury	Stumpf
Bernhagen	Frederickson	Lantry	Purfeerst	Taylor
Bertram	Hanson	Lindgren	Ramstad	Tennessee
Chmielewski	Hughes	Luther	Renneke	Ulland
Dahl	Humphrey	Menning	Rued	Vega
Davies	Kamrath	Moe, R. D.	Schmitz	Waldorf
Davis	Keefe	Olhoft	Setzepfandt	

Those who voted in the negative were:

Belanger	Dicklich	Nelson	Penny	Willet
Berglin	Lessard			

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 826 a Special Order to be heard immediately.

H. F. No. 826: A bill for an act relating to health; proposing a population-based, statewide cancer and birth defects surveillance system; designing a system and pilot test.

Mrs. Lantry moved to amend H.F. No. 826, as amended by the Committee on Finance, adopted May 12, 1981, as follows:

Delete all the amendments placed on H. F. No. 826 by the Committee on Finance, adopted by the Senate May 12, 1981 and further amend as follows:

Page 1, delete section 1

Page 2, lines 10 and 11, delete "*pilot project and its objectives*" and insert "*timetable and cost of designing and pilot testing the surveillance system*"

Page 2, line 12, before the period insert "*, contingent on the performance of a pilot project as specified in section 1*"

Page 2, line 22, after the period insert "*The commissioner shall consult with*

representatives of the provider community, the existing registries, public health professionals, labor concerns, environmental protection groups, veterans groups and other interested consumers before preparing the report."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 826 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kamrath voted in the negative.

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1143 a Special Order to be heard immediately.

H. F. No. 1143: A bill for an act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing for disclosures of information between the department of economic security and the commissioner of revenue regarding unemployment compensation; allowing for disclosures of information between the commissioner of revenue and the commissioner of public welfare; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; providing an action to enjoin certain tax return preparers from engaging in certain conduct or from preparing returns; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information requirements of withholding statements to federal law; allowing notification of an employer by the department that a

withholding certificate is invalid; providing for verification of withholding exemptions and appeal by the claimant; allowing certain spouses to file a joint property tax return claim; conforming estimated tax requirements with federal law; altering the computation of the corporate estimated tax; conforming tax exempt provisions with federal law; altering filing requirements for corporations; allowing the commissioner to adjust the computation of federal adjusted gross income in certain circumstances; specifying or increasing interest rates on certain delinquent taxes and penalties; abolishing an election relating to the lump sum distribution tax; providing for the computation of basis; providing for the liability of taxes due on a combined return; clarifying property tax refund interest provisions; providing penalties; amending Minnesota Statutes 1980, Sections 10A.31, Subdivision 1; 15.1691, Subdivision 2; 268.12, Subdivision 12; 290.05; 290.06, Subdivision 3d; 290.067, Subdivision 2; 290.09, Subdivision 3; 290.095, Subdivisions 1, 9, and by adding a subdivision; 290.14; 290.37, Subdivision 1; 290.39, Subdivisions 1 and 2, and by adding a subdivision; 290.41, Subdivision 2, and by adding subdivisions; 290.42; 290.43; 290.44; 290.46; 290.53, Subdivisions 3 and 3a; 290.61; 290.92, Subdivisions 1, 2a, 7, 15, and by adding subdivisions; 290.93, Subdivisions 1, 3 and 10; 290.931, Subdivision 1; 290.934, Subdivisions 4 and 5; 290A.03, Subdivision 7; 290A.07, Subdivisions 2 and 3; 290A.08; 290A.11, Subdivisions 2 and 4; proposing new law coded in Minnesota Statutes, Chapters 290 and 290A; repealing Minnesota Statutes 1980, Sections 290.032, Subdivision 4; and 290A.07, Subdivision 4.

Mr. Dieterich moved that the amendment made to H.F. No. 1143 by the Committee on Rules and Administration in the report adopted May 8, 1981, pursuant to Rule 49, be stricken. The motion did not prevail.

RECONSIDERATION

Having voted on the prevailing side, Mr. Chmielewski moved that the vote whereby the Dieterich motion to strike the Rule 49 amendment to H. F. No. 1143 failed, be now reconsidered. The motion prevailed.

The question recurred on the Dieterich motion. The motion prevailed.

Mr. Merriam moved to amend H. F. No. 1143 as follows:

Pages 2 to 4, delete sections 2 and 3

Page 32, lines 4 to 13, delete the new language

Page 45, line 12, delete "28" and insert "26"

Page 52, delete line 19 and insert "*Sections 1, 8, 11, 18, 20, 21, 22, 23, 29, 31, and*"

Page 52, line 20, delete "35" and insert "33" and delete "5, 6" and insert "3, 4"

Page 52, delete line 21 and insert "*5, 6, 7, 10, 12, 13, 14, 15, 16, 17, 19, 27 and 41 are*"

Page 52, lines 23 and 24, delete "4" and insert "2"

Page 52, line 25, delete "11" and insert "9"

Page 52, line 27, delete "26, 27, 28 and 30" and insert "24, 25, 26 and

28" and delete "32" and insert "30"

Page 52, line 28, delete "34" and insert "32"

Page 52, line 29, delete "36 and 37" and insert "34 and 35"

Page 52, line 30, delete "40 and 42" and insert "38 and 40"

Page 52, line 33, delete "38 and 39" and insert "36 and 37"

Page 52, line 35, delete "41" and insert "39"

Page 53, line 2, delete "41" and insert "39"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, delete lines 8 to 12

Page 1, line 13, delete "welfare;"

Page 1, line 43, delete "15.1691, Subdivision 2; 268.12,"

Page 1, line 44, delete "Subdivision 12;"

The motion prevailed. So the amendment was adopted.

Mr. Dieterich moved to amend H. F. No. 1143 as follows:

Page 14, line 22, delete "(a)" and insert "(A)"

Page 50, line 18, after "290A.07," insert "Subdivision 2,"

Page 50, delete lines 20 to 23

Page 50, after line 34, insert:

"Sec. 40. Minnesota Statutes 1980, Section 290A.07, Subdivision 3, is amended to read:"

Page 51, delete lines 5 to 8

Page 52, after line 17, insert:

"Sec. 45. [REPEALER.]

Minnesota Statutes 1980, Section 290A.07, Subdivision 4, is repealed."

Page 52, line 21, delete "7,"

Page 52, line 21, delete "43" and insert "44"

Page 52, line 25, after the period insert "*Section 7 is effective for taxable years beginning after December 31, 1980 provided that interest on investment indebtedness paid or accrued in a taxable year beginning before January 1, 1981 may not be carried over to taxable years beginning after December 31, 1980.*"

Page 52, line 30, delete "40 and 42" and insert "41 and 43"

Page 52, line 33, delete "and" and insert a comma and after "39" insert "*40, and 45*"

Page 52, line 35, delete "41" and insert "42"

Page 53, line 2, delete "41" and insert "42"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 2, line 8, after "290A.07" insert ", Subdivisions 2 and 3"

Page 2, line 10, delete "Section" and insert "Sections" and after "4" insert "; and 290A.07, Subdivision 4"

The motion prevailed. So the amendment was adopted.

H. F. No. 1143 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 53 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Langseth	Pehler	Sikorski
Bang	Frank	Lantry	Penny	Solon
Belanger	Frederickson	Lessard	Peterson, C. C.	Spear
Benson	Hughes	Lindgren	Peterson, D. L.	Stokowski
Bernhagen	Humphrey	Luther	Peterson, R. W.	Taylor
Bertram	Johnson	Menning	Petty	Tennessee
Brataas	Keefe	Merriam	Purfeerst	Ulland
Dahl	Knoll	Moe, D. M.	Ramstad	Vega
Davies	Knutson	Moe, R. D.	Schmitz	Waldorf
Dicklich	Kroening	Nelson	Setzepfand	
Dieterich	Kronebusch	Olthoff	Sieloff	

Those who voted in the negative were:

Berg	Davis	Renneke	Rued	Willet
Chmielewski	Kamrath			

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

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. 74: A bill for an act relating to trade regulations; prescribing a penalty for the sale of imitation Indian-made goods without a brand; amending Minnesota Statutes 1980, Section 325F.46.

Senate File No. 74 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1981

CONCURRENCE AND REPASSAGE

Mr. Chmielewski moved that the Senate concur in the amendments by the

House to S. F. No. 74 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 74 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 53 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Kronebusch	Peterson, D.L.	Rued	Sieloff
Kamrath				

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pehler moved that S. F. No. 650 be taken from the table. The motion prevailed.

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

CONCURRENCE AND REPASSAGE

Mr. Pehler moved that the Senate concur in the amendments by the House to S. F. No. 650 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 650 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 315, 1210, 1357 and 546.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 315: A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1210: A bill for an act relating to taxation; providing that an electing small business corporation for federal income tax purposes shall be an electing small business corporation for Minnesota income tax purposes; amending Minnesota Statutes 1980, Sections 290.01, Subdivision 20; 290.974; proposing new law coded in Minnesota Statutes, Chapter 290; repealing Minnesota Statutes 1980, Sections 290.971; 290.972; and 290.975.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1152, now on the Calendar.

H. F. No. 1357: A bill for an act relating to the Mountain Iron joint recreation board; regulating its tax levy.

Referred to the Committee on Local Government and Urban Affairs.

H. F. No. 546: A bill for an act relating to insurance; extending the insurance division revolving fund; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules to implement the program;

requiring certain disclosures on credit insurance policies and application; amending Minnesota Statutes 1980, Sections 60A.03, Subdivision 6; and 62B.06, Subdivisions 2, 3 and 4; and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 60A.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Mr. Solon was excused from this evening's Session from 10:30 p.m. to 12:00 midnight. Mr. Pillsbury was excused from this evening's Session at 12:15 a.m.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Saturday, May 16, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate