

## EIGHTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 10, 1982

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

### CALL OF THE SENATE

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

### RECESS

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

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

Prayer was offered by the Chaplain, Rev. George Weinman.

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

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

The President declared a quorum present.

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

### MEMBERS EXCUSED

Mr. Keefe was excused from the Session of today. Mr. Menning was excused from the Session of today from 11:00 a.m. to 1:30 p.m. Mr. Hanson was excused from the Session of today until 4:30 p.m.

**CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 21, Mr. Johnson moved that the following members be excused for a Conference Committee on H.F. No. 1872:

Messrs. Johnson, Hanson, Ms. Berglin, Messrs. Sieloff and Setzepfandt. The motion prevailed.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

March 8, 1982

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 1982 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 1982	Date Filed 1982
	749	382	March 8	March 8
	1614	383	March 8	March 8
	1637	384	March 8	March 8
1521		385	March 8	March 8
1756		386	March 8	March 8
1582		387	March 8	March 8
709		388	March 8	March 8
	1724	389	March 8	March 8
	1612	Resolution No. 5	March 8	March 8

Sincerely,

Joan Anderson Growe  
Secretary of State

March 9, 1982

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, Senate Files Nos. 233 and 1695.

Sincerely yours,

Albert H. Quie, Governor

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following



Senate File, herewith returned: S.F. No. 1910.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

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. 1856: A bill for an act relating to state government; improving the state's personnel management functions; amending Minnesota Statutes 1980, Sections 6.582; 11A.07, Subdivision 4; 12.04, Subdivision 1; 15.0575, Subdivision 3; 15.059, Subdivision 3; 15.43, Subdivision 1; 60B.09, Subdivision 2; 84.028, Subdivision 3; 84.081, Subdivision 1; 85A.03, Subdivision 2; 124.645, Subdivision 3; 128A.02, Subdivision 3; 136A.55, Subdivision 4; 144A.52, Subdivision 2; 168.325, Subdivision 1; 171.015, Subdivision 1; 216A.04, Subdivision 3; 241.64, Subdivision 3; 241.65; 246.017, Subdivision 2; 299E.01, Subdivision 1; 299F.01, Subdivision 2; and 352D.02, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 3.855, Subdivision 3; 43A.02, Subdivision 28; 43A.04, Subdivisions 3, 4, and by adding a subdivision; 43A.05, Subdivision 4; 43A.08, Subdivisions 1, 3, and by adding subdivisions; 43A.11, Subdivisions 3, 4, 7 and 8; 43A.13, Subdivisions 1, 4 and 5; 43A.15, Subdivisions 6 and 10; 43A.17, Subdivision 4; 43A.18, Subdivisions 3 and 4; 43A.19, Subdivision 1; 43A.27, Subdivision 3; 43A.33, Subdivisions 1, 3 and 4; 43A.37, Subdivision 1; 43A.38; 43A.39; 43A.41, Subdivision 4; 43A.42; 43A.44, Subdivision 2; 124.41, Subdivision 3; 254A.03, Subdivision 1; 352D.02, Subdivision 1; and 462A.04, Subdivision 8; Laws 1971, Extra Session, Chapter 3, Section 19, Subdivision 5; Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6; Laws 1981, Chapter 210, Section 55; repealing Minnesota Statutes 1980, Sections 12.05; 124.615, Subdivision 3; 190.081; and 190.095; and Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2.

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

Norton, Rose and Simoneau.

Senate File No. 1856 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

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. 378: A bill for an act relating to marriage dissolution; clarifying factors to consider in awarding maintenance; amending Minnesota Statutes 1980, Section 518.552.

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



Wynia, Forsythe and Norton.

Senate File No. 378 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to the following House File:

H.F. No. 253: A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

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

Peterson, B.; Sarna and Dahlvang have been appointed as such committee on the part of the House.

House File No. 253 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 March 9, 1982

Mr. Tennesen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 253, 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 the following House File:

H.F. No. 492: A bill for an act relating to crimes; authorizing counties to expend money for the purpose of investigating criminal activity relating to selling or receiving stolen property; proposing new law coded in Minnesota Statutes, Chapter 299C.

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

Gruenes, Vanasek and Lehto have been appointed as such committee on the part of the House.

House File No. 492 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 March 9, 1982

Mr. Pehler moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 492, 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 the following House File:

H.F. No. 1712: A bill for an act relating to public welfare; amending the community social services act; removing certain requirements related to biennial plans and the sliding fee for child care; providing for identification of certain rules; exempting the commissioner from certain rulemaking procedures; providing for notice and comment procedures with respect to proposals to amend or repeal certain rules; providing for allocation of funds to counties; amending Minnesota Statutes 1980, Section 256E.09, Subdivision 4; Minnesota Statutes 1981 Supplement, Sections 245.84, Subdivision 2; 256E.03, Subdivision 2; 256E.05, Subdivision 3; and 256E.07, Subdivision 3; repealing Minnesota Statutes 1981 Supplement, Section 256E.07, Subdivision 2.

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

Kaley, McCarron and Samuelson have been appointed as such committee on the part of the House.

House File No. 1712 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 March 9, 1982

Mr. Frederickson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1712, 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 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. 411: A bill for an act relating to game and fish; limiting eligibility for antlerless deer permits in certain restricted hunting areas; amending Minnesota Statutes 1980, Section 97.48, Subdivision 24.

Senate File No. 411 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

### CONCURRENCE AND REPASSAGE

Mr. Peterson, C.C. moved that the Senate concur in the amendments by the House to S.F. No. 411 and that the bill be placed on its repassage as amended.



The motion prevailed.

S.F. No. 411: A bill for an act relating to wild animals; providing additional authority for the commissioner of natural resources to limit the numbers of deer and bear hunters under certain circumstances; increasing resident deer and bear license fees; appropriating money for deer and bear management, computerized licensing systems, and emergency feeding of wild animals during the winter of 1982; clarifying provisions concerning possession of certain equipment usable in taking fish; increasing the deer license habitat amount; authorizing the review of a possible agreement between the commissioner and the Mille Lacs Band of Chippewa Indians; clarifying the guide license to take bear; authorizing negotiated sale of certain surplus equipment; amending Minnesota Statutes 1980, Sections 97.48, Subdivision 24; 97.49, Subdivision 1a, and by adding a subdivision; 97.57; 98.455; 100.29, Subdivisions 14 and 18; 101.42, Subdivision 18; and Minnesota Statutes 1981 Supplement, Section 98.46, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 561.

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 51 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Stern
Bang	Dicklich	Langseth	Peterson, C. C.	Stokowski
Belanger	Dieterich	Lantry	Peterson, R. W.	Stumpf
Benson	Engler	Lessard	Petty	Taylor
Berg	Frank	Luther	Purfeerst	Waldorf
Berglin	Frederickson	Merriam	Renneke	Wegener
Bernhagen	Hughes	Moe, D. M.	Rued	Willet
Bertram	Humphrey	Moe, R. D.	Schmitz	
Chmielewski	Kamrath	Nelson	Sikorski	
Dahl	Knoll	Olhoft	Solon	
Davies	Knutson	Pehler	Spears	

Those who voted in the negative were:

Kroening	Peterson, D. L.	Ramstad	Ulland	Vega
Lindgren	Pillsbury	Tennessen		

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. 1589: A bill for an act relating to crimes; clarifying the definition of physically helpless victims of criminal sexual conduct; amending Minnesota Statutes 1980, Section 609.341, Subdivision 9.

Senate File No. 1589 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982



**CONCURRENCE AND REPASSAGE**

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 1589 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1589: A bill for an act relating to crimes; amending the definitions of shelter care facility and secure detention facility; extending the time limit for detaining children who may be dependent or neglected children; prohibiting the selling of children; prescribing penalties; clarifying the definition of physically helpless victims of criminal sexual conduct; amending Minnesota Statutes 1980, Sections 260.015, Subdivisions 16 and 17; 260.171, Subdivisions 2, 4, 5, and 6, and by adding a subdivision; 260.172, Subdivision 1; 609.341, Subdivision 9; proposing new law coded in Minnesota Statutes, Chapter 609; repealing Minnesota Statutes 1980, Section 260.015, Subdivision 15.

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 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Spear
Bang	Dieterich	Langseth	Peterson, C.C.	Stern
Belanger	Engler	Lantry	Peterson, D.L.	Stokowski
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederick	Lindgren	Petty	Taylor
Berglin	Frederickson	Luther	Pillsbury	Tennessee
Bernhagen	Hughes	Merriam	Purfeerst	Ulland
Bertram	Humphrey	Moe, D. M.	Ramstad	Vega
Chmielewski	Kamrath	Moe, R. D.	Renneke	Waldorf
Dahl	Knoll	Nelson	Rued	Willet
Davies	Knutson	Olhoft	Sikorski	
Davis	Kroening	Pehler	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 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. 1239: A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

Senate File No. 1239 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

Mr. Moe, D.M. moved that S.F. No. 1239 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. 1499: A bill for an act relating to motor vehicles; providing for special license plates for former prisoners of war; proposing new law coded in Minnesota Statutes, Chapter 168.

Senate File No. 1499 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

Mr. Bertram moved that the Senate do not concur in the amendments by the House to S. F. No. 1499, 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. 1398: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned and operated by members of certain fire departments; amending Minnesota Statutes 1980, Section 168.12, by adding a subdivision.

Senate File No. 1398 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

### CONCURRENCE AND REPASSAGE

Mr. Purfeerst moved that the Senate concur in the amendments by the House to S.F. No. 1398 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1398: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned and operated by members of certain fire departments; imposing an additional fee for firefighter license plates; amending Minnesota Statutes 1980, Section 168.12, by adding a subdivision.

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 0, as follows:

Those who voted in the affirmative were:



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

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. 1671: A bill for an act relating to environment; providing for the chairmanship, staff, and administration of the environmental quality board; amending Minnesota Statutes 1980, Section 116C.03, Subdivision 2a, and by adding subdivisions; Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivisions 2 and 4; repealing Minnesota Statutes 1980, Sections 116C.04, Subdivisions 8 and 9; 116C.05; 116C.07; and Minnesota Statutes 1981 Supplement, Section 116C.03, Subdivision 3.

Senate File No. 1671 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1982

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S. F. No. 1671, 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 House Files, herewith transmitted: H.F. Nos. 400, 1025, 1702, 1477, 1789, 2190, 1840, 1099, 2005, 1115, 1542 and 2123.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 9, 1982

### FIRST READING OF HOUSE BILLS

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

H.F. No. 400: A bill for an act relating to economic development; authorizing the formation of a state development company for small business aid



purposes; making certain changes in the small business finance agency act to provide for small business loans; appropriating money; amending Minnesota Statutes 1980, Sections 362.51, Subdivision 1; 362.53, Subdivision 13; and Minnesota Statutes 1981 Supplement, Section 362.52, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 362.

Referred to the Committee on Finance.

H.F. No. 1025: A bill for an act relating to safety; imposing an additional fee for two-wheeled vehicle endorsements for motorcycle safety programs; providing for the disposition of the proceeds of the additional fee; prescribing duties of commissioner of public safety; establishing an account; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 126.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1460.

H.F. No. 1702: A bill for an act relating to veterans; providing for the furnishing of chiropractic care to residents of the Minnesota veterans home; proposing new law coded in Minnesota Statutes, Chapter 198.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1897, now on General Orders.

H.F. No. 1477: A bill for an act relating to snowmobiles; increasing the registration fee and appropriating the proceeds thereof for stated purposes; registration of collectors' snowmobiles; requiring a study; creating a snowmobile trails and enforcement account in the state treasury; appropriating money; amending Minnesota Statutes 1980, Sections 84.82, Subdivision 3, and by adding a subdivision; and 84.83.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1450, now on General Orders.

H.F. No. 1789: A bill for an act relating to the environment; limiting and reducing emissions of sulphur dioxide in the state; requiring adoption of an acid deposition control standard and plan by the pollution control agency; requiring reports; imposing an assessment on utilities; appropriating money; amending Minnesota Statutes 1981 Supplement, Section 116C.69, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1714, now on the Calendar.

H.F. No. 2190: A bill for an act relating to education; changing the requirements for membership on the higher education coordinating board; allowing the regional management information centers to be considered governmental units for purposes of the joint powers law; requiring the approval of a plan for spending federal education block grant funds for state administrative purposes; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; broadening the planning process relating to declining enrollments in higher education; repealing mandates; amending Minnesota Statutes 1980, Sections 136A.02, Subdivision 1; 471.59, by adding a subdivision; Laws 1981, Chapter 359, Section 2, Subdivision 8; and Section 9, Subdivision 12; Third Special Session Chapter 2,



Article I, Section 6, Subdivision 1; repealing Minnesota Statutes, Sections 120.17, Subdivision 10; and 121.12.

Mr. Willet moved that H.F. No. 2190 be laid on the table. The motion prevailed.

H.F. No. 1840: A bill for an act relating to public welfare; allowing payment of claims for medical assistance to be made against homestead property which is part of an estate; amending Minnesota Statutes 1980, Sections 510.05; 524.3-805; and Minnesota Statutes 1981 Supplement, Section 525.145.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1712, now on General Orders.

H.F. No. 1099: A bill for an act relating to agriculture; providing an additional tax on certain capital gains from the sale of agricultural land; limiting certain tax reductions; increasing the one-time exclusion for sale of a residence by persons over 55 in certain instances; amending Minnesota Statutes 1981 Supplement, Sections 124.213, Subdivision 1; 290.01, Subdivision 20, as amended; and 290.091, as amended; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

H.F. No. 2005: A bill for an act relating to employment; providing for equitable compensation relationships among certain government employees; amending Minnesota Statutes 1981 Supplement, Sections 43A.01, by adding a subdivision; 43A.02, by adding subdivisions; 43A.05, by adding a subdivision; and 43A.18, Subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1901.

H.F. No. 1115: A bill for an act relating to transportation; providing for the distribution of assistance under the public transit participation program; defining terms; changing eligibility requirements for replacement transit service; providing for public transit contract procedures; amending Minnesota Statutes 1980, Sections 174.21; 174.22, by adding subdivisions; 174.23, by adding a subdivision; 174.24, Subdivision 1, and by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 174.24, Subdivisions 3, and 3a, as amended; and 174.265, Subdivision 4; repealing Minnesota Statutes 1980, Sections 174.25; and 174.26.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1839, now on General Orders.

H.F. No. 1542: A bill for an act relating to metropolitan government; regulating the organization, duties and powers of the metropolitan mosquito control district and commission; increasing size of commission membership; increasing certain commission expenditure amounts; authorizing taxes; amending Minnesota Statutes 1980, Sections 473.701, Subdivisions 1, 2 and 3; 473.702; 473.703, Subdivision 1; 473.704, Subdivision 17; 473.705; and 473.711, Subdivision 2; repealing Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.713; and 473.717.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1685.



H.F. No. 2123: A bill for an act relating to public welfare; modifying certain provisions relating to medical assistance; providing for competitive bidding procedures; allowing a cause of action against responsible relatives; providing for payments to health maintenance organizations; appropriating money; amending Minnesota Statutes 1980, Sections 256B.04, by adding a subdivision; 256B.05, Subdivision 2; 256B.06, Subdivision 3; 256B.14; 256B.19, Subdivision 1; 256B.27, Subdivision 3; and Minnesota Statutes 1981 Supplement, Section 256.966.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

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

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

S.F. No. 1800: A bill for an act relating to taxation; sales; abolishing the limitation on the exemption of food relating to certain prepared foods; amending Minnesota Statutes 1981 Supplement, Section 297A.25, Subdivision 1.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1981 Supplement, Section 297A.01, Subdivision 3, is amended to read:

Subd. 3. A “sale” and a “purchase” includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization. *Notwithstanding section 297A.25, subdivision 1, clause (a), taxable food or meals include, but are not limited to, the following:*

*(i) heated food or drinks;*



- (ii) *sandwiches prepared by the retailer;*
- (iii) *single sales of prepackaged ice cream or ice milk novelties prepared by the retailer;*
- (iv) *hand-prepared or dispensed ice cream or ice milk products including cones, sundaes, and snow cones;*
- (v) *soft drinks and other beverages prepared or served by the retailer;*
- (vi) *gum;*
- (vii) *ice;*
- (viii) *all food, except candy, sold in vending machines;*
- (ix) *party trays prepared by the retailers; and*
- (x) *all meals and single servings of packaged snack food, single cans or bottles of pop, sold in restaurants and bars;*

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices or athletic facilities;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. The furnishing of water and sewer services for residential use shall not be considered a sale.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 297A.25, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article V, Section 2, is amended to read:

Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products, ~~but not including foods which are prepared or specially sliced, wrapped, arranged or displayed, and sold cold or hot for immediate consumption on or off the premises on which the sale is made, whether sold in individual servings or in larger quantities, except~~ and food products which are not taxable pursuant to section 297A.01, subdivision 3, clause (c) and which are sold by a retailer, organized as a nonprofit corporation or association, within a place located on property owned by the state or an agency or instrumentality of the state, the entrance to which is subject to an admission charge;



(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, uherapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.



(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or therewith shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property



acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "air-flight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(s) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(t) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with



this paragraph.

(u) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(v) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(w) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(x) The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).

(y) The gross receipts from either the sales to or the storage, use or consumption of tangible personal property by an organization of military service veterans or an auxiliary unit of an organization of military service veterans, provided that:

(i) the organization or auxiliary unit is organized within the state of Minnesota and is exempt from federal taxation pursuant to section 501(c), clause (19), of the Internal Revenue Code as amended through December 31, 1978; and

(ii) the tangible personal property which is sold to or stored, used or consumed by the organization or auxiliary unit is for charitable, civic, educational, or nonprofit uses and not for social, recreational, pleasure or profit uses.

(z) The gross receipts from the sale of sanitary napkins, tampons, or similar items used for feminine hygiene.



## Sec. 3. [EFFECTIVE DATE.]

*Sections 1 and 2 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to taxation; clarifying the taxation of meals and food products for sales tax purposes; amending Minnesota Statutes 1981 Supplement, Sections 297A.01, Subdivision 3; and 297A.25, Subdivision 1, as amended."

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

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

S.F. No. 2027: A bill for an act relating to taxation; providing for the collection of taxes; imposing penalties; amending Minnesota Statutes 1980, Sections 270.06; 270.07, Subdivision 1; 270.10, Subdivision 1; 270.70, Subdivisions 1, 2, 3, and 5, and by adding subdivisions; 290.45, Subdivision 2; 290.48, Subdivisions 3, 4, 6, and 8; 290.53, Subdivisions 2 and 5; 290.54; 290.92, Subdivision 23; 296.01, Subdivision 8; 296.14, Subdivision 1; 296.17, Subdivision 11; 297A.33, Subdivision 2; 297A.39, Subdivisions 2 and 5; 508.25; 559.21, by adding a subdivision; 580.15; Minnesota Statutes 1981 Supplement, Sections 270.063; 270.66; 270.75, by adding a subdivision; 290.92, Subdivisions 6 and 15; 296.12, Subdivision 4; proposing new law coded in Minnesota Statutes, Chapter 270; repealing Minnesota Statutes 1980, Sections 290.48, Subdivisions 1 and 9; 290.51; 290.97; 297A.33, Subdivision 6; 297A.36; 297A.39, Subdivision 6; 297A.40, Subdivision 2; and Minnesota Statutes 1981 Supplement, Section 290.48, Subdivision 2.

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

Page 7, delete section 5

Page 12, line 2, delete "*lapse of the*"

Page 13, line 15, delete "7" and insert "6"

Page 15, line 6, delete "9" and insert "8"

Page 15, line 29, delete "*18 to 26*" and insert "*17 to 25*"

Page 16, line 2, strike "subdivision 1" and delete "*or 12*" and insert "*this section*"

Page 16, line 22, delete "9" and insert "8"

Page 17, line 1, delete "*14*" and insert "*17*"

Page 18, line 6, delete "*or*" and insert "*and*"

Page 18, delete line 7

Page 18, line 8, delete "*located within this state*" and insert "*be served in like manner as a summons in a civil action in the district court*"

Page 18, line 16, after "*notice*" insert "*of sale of the property*"



Page 18, line 17, after "*manner*" insert "*of service*" and delete "*, and shall*" and insert a period

Page 18, delete lines 18 to 22

Page 18, line 23, delete "*less than two other public places*" and insert "*In the case of personal property, the notice shall be served at least 10 days prior to the sale. In the case of real property, the notice shall be served at least four weeks prior to the sale. The commissioner shall also cause public notice of each sale to be made. In the case of personal property, notice shall be posted at least 10 days prior to the sale at the post office nearest the place where the seizure is made, and in not less than two other public places. In the case of real property, six weeks' published notice shall be given prior to the sale, in a newspaper published or generally circulated in the county*"

Page 18, line 23, after "*notice*" insert "*of sale provided in this subdivision*"

Page 18, line 28, delete "*19*" and insert "*18*"

Page 18, delete line 35

Page 18, line 36, delete "*giving public notice under*" and insert "*be after the expiration of the notice periods prescribed in*"

Page 19, line 34, after "*permit*" insert "*part of the*"

Page 20, line 28, delete "*18*" and insert "*17*"

Page 21, line 6, delete "*120 days*" and insert "*6 months, or in case the real property sold exceeds 10 acres in size, at any time within 12 months,*"

Page 21, line 16, delete "*23*" and insert "*22*"

Page 21, lines 19 and 31, delete "*18*" and insert "*17*"

Page 21, line 32, delete "*21*" and insert "*20*"

Page 22, line 24, delete "*18*" and insert "*17*"

Page 22, lines 25 and 31, delete "*21*" and insert "*20*"

Page 23, line 1, delete "*18*" and insert "*17*"

Page 23, line 19, delete "*9*" and insert "*8*"

Page 24, lines 18 and 22, delete "*18*" and insert "*17*"

Page 25, line 9, after "*270.75,*" insert "*as amended by Laws 1981, Third Special Session Chapter 2, Article III, Section 1,*"

Page 25, line 10, delete "*5*" and insert "*6*"

Page 46, lines 7 and 36, delete "*9*" and insert "*8*"

Page 47, line 16, delete "*290.97;*"

Page 47, line 20, after "*1982*" insert "*, but shall not apply to any tax the collection of which is barred by a statute of limitations on July 1, 1982*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, after "*270.75,*" insert "*as amended,*"



Page 1, line 18, delete "290.97;"

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

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

H.F. No. 1547: A bill for an act relating to intoxicating liquor; town board approval of certain county liquor licenses; amending Minnesota Statutes 1980, Section 340.119, by adding a subdivision; and Minnesota Statutes 1981 Supplement, Section 340.11, Subdivision 10.

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

Page 1, line 18, strike "shall" and insert "*may*"

Page 1, line 18, strike "after the"

Page 1, line 19, strike "application has been made therefor,"

Page 1, line 19, strike "shall"

Page 1, line 20, strike "have" and insert "*has*"

Page 1, line 21, strike "Such" and insert "*The*"

Page 1, line 21, strike "shall" and insert "*must*"

Page 1, line 22, strike "a period of"

Page 1, line 23, strike "prior to" and insert "*before*"

Page 1, line 23, strike "such"

Page 2, line 1, strike the first "said" and insert "*the*"

Page 2, line 1, strike "in" and insert "*if*"

Page 2, line 1, strike "event said"

Page 2, line 2, strike "any" and insert "*a*"

Page 2, line 5, strike the first "and"

Page 2, line 5, after "premises" insert a comma

Page 2, line 5, after the second "and" insert "*the*"

Page 2, line 5, strike the third "and" and insert "*of the*"

Page 2, line 6, strike "said" and insert "*the*"

Page 2, line 7, strike "shall be"

Page 2, line 8, strike "governed by" and insert "*are subject to*"

Page 2, line 9, strike "for"

Page 2, line 12, strike the second "shall" and insert "*must*"

Page 2, line 13, strike "such"

Page 2, line 13, strike "as is"

Page 2, line 15, strike "any" and insert "*a*"

Page 2, lines 21 and 25, strike "their" and insert "*its*"



Page 2, line 26, delete "*receipt*" and insert "*receiving notice*"

Page 2, line 27, strike "*they support*" and insert "*it supports*"

Page 2, line 27, after "*application*" insert "*, and the premises may be licensed*"

Page 2, line 28, strike "*the*" and insert "*a*"

Page 2, line 28, strike "*of any county*"

Page 2, line 29, strike "*any*" and insert "*a*"

Page 2, line 33, strike "*any*" and insert "*an*"

Page 3, line 6, delete "*two*" and insert "*ten*"

Page 3, line 6, delete "*to any organization*"

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

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

H.F. No. 1550: A bill for an act relating to the city of Big Falls; authorizing the establishment of detached banking facilities.

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

Page 1, line 17, delete everything after the period

Page 1, delete lines 18 to 20

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

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1508: A bill for an act relating to veterans; establishing information and referral assistance programs; authorizing limited studies; mandating annual reports; establishing an Agent Orange information and assistance section in the department of veterans affairs; providing Agent Orange information to health professionals; providing genetic information and counseling; classifying certain information as confidential; authorizing certain class actions; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 196.

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

Page 1, line 17, delete "*FINDINGS*" and insert "*PURPOSE*"

Page 2, lines 3 and 4, delete "*, August 5, 1964 to May 7, 1975*"

Page 2, line 25, after "*respond*" insert "*, within his powers and duties under chapters 196 and 197,*"

Page 2, line 27, delete "*ASSISTANCE*"

Page 2, line 30, delete "*assistance*"

Page 3, line 27, before "*The*" insert "*Within his powers and duties under chapters 196 and 197,*"



Page 5, line 13, delete "\$....." and insert "\$50,000"

Page 5, line 13, delete "from the general fund"

Page 5, line 15, after the first period, insert "*The commissioner shall solicit any grants, gifts, bequests, devises, and any other donations which might be available to fund the purposes of sections 1 to 8.*"

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

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1901: A bill for an act relating to employment; providing for equitable compensation relationships among certain government employees; amending Minnesota Statutes 1981 Supplement, Sections 43A.01, by adding a subdivision; 43A.02, by adding subdivisions; 43A.05, by adding a subdivision; and 43A.18, Subdivision 8; proposing new law coded in Minnesota Statutes, Chapter 137.

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

Page 2, line 21, after "compile" insert ", subject to funds and personnel availability."

Page 2, line 30, delete "for providing" and insert "to provide"

Page 2, line 34, delete "full"

Page 3, line 3, delete "that" and insert "the"

Page 3, line 4, delete "which" and insert "that"

Page 3, line 8, delete "funds" and insert "amounts"

Page 3, line 14, delete "which" and insert "that"

Page 4, delete lines 2 to 7 and insert:

"Sec. 8. Minnesota Statutes 1981 Supplement, Section 43A.18, is amended by adding a subdivision to read:

*Subd. 9. [ALLOCATION; STATE EMPLOYEES.] The"*

Page 4, line 9, delete "these amounts" and insert "the amounts appropriated by the legislature for comparability adjustments"

Page 4, line 10, delete "which" and insert "that"

Page 4, line 12, delete "Funds" and insert "Amounts"

Page 4, line 14, delete "funds" and insert "amounts"

Page 4, line 15, delete "Funds not used for purposes" and insert "Amounts appropriated for the purpose"

Page 4, line 16, after "adjustments" insert "but not used for that purpose"

Amend the title as follows:

Page 1, line 7, after "8" insert ", and by adding a subdivision"

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



adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1617: A bill for an act relating to public welfare; changing liquid asset limits for medical assistance eligibility; amending Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by a law passed in the 1981 third special session styled as House File No. 2, Article I, Section 32.

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

Page 4, line 16, after the period, insert "*If a federal court holds that section 1 does not comply with Title XIX of the social security act, 42 United States Code, Sections 1396 to 1396n, section 1 is repealed effective the day after the date of that court decision.*"

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

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1961: A bill for an act relating to agriculture; providing for the licensing and regulation of certain grain buyers; providing a penalty; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 223; repealing Minnesota Statutes 1980, Chapter 223, as amended; and Sections 232.01; 232.02, as amended; 232.04; and 232.06, Subdivision 5.

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

Page 1, line 15, delete "8" and insert "9"

Page 2, delete line 35 and insert "*United States Code, Chapter 10.*"

Page 4, line 5, delete "*Fees and penalties*" and insert "*Money*"

Page 4, delete lines 7 to 10 and insert "*grain buyers and storage fund and is appropriated to the commissioner*"

Page 4, delete line 32

Page 5, line 8, delete "*may*" and insert "*shall*"

Page 6, after line 31, insert:

"Sec. 7. [APPROPRIATIONS CANCELLED.]

*The sums appropriated from the general fund to the commissioner of agriculture for the administration and enforcement of grain buyer regulations in Minnesota Statutes, Chapters 223 and 232, for the fiscal year ending June 30, 1983, are cancelled and shall be credited to the general fund.*"

Page 6, line 36, delete "*July 1*" and insert "*June 30*"

Page 7, line 6, after the period, insert "*Sections 1 to 6 are repealed July 1, 1983. Any claims under sections 1 to 6 which are not settled before July 1, 1983, may be settled under the provisions of section 4, subdivisions 7 and 8, as they existed prior to July 1, 1983.*"

Renumber the sections in sequence



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

Mr. Willet from the Committee on Finance, to which was referred

S.F. No. 1789: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Page 1, after line 13, insert:

*"Subd. 3. Chisago County Court Services, Chisago County Courthouse, Center City, Minnesota 55012, for medical expenses incurred by a prisoner who was assigned to social restitution.....\$26.35.*

*Subd. 4. Robert J. Feather, No. 100170, Minnesota correctional facility, Stillwater, Minnesota 55082, for an injury received while doing his assigned work which resulted in a permanent partial disability of 50 percent to his left hand.....\$7,541.00."*

Page 1, line 14, delete "3" and insert "5"

Page 1, after line 18, insert:

*"Subd. 6. Norman Goldberg, 602-26th Street, Cloquet, Minnesota 55720, for medical expenses incurred due to injuries sustained by his juvenile son while he was doing assigned social restitution.....\$15.00."*

Page 1, line 19, delete "4" and insert "7"

Page 1, line 23, delete "5" and insert "8"

Page 2, line 3, delete "6" and insert "9"

Page 2, after line 6, insert:

*"Subd. 10. Toby Krominga, P. O. Box 179, Elk River, Minnesota 55330, for an injury sustained while doing his assigned work which resulted in a permanent partial disability as follows: five percent of the whole left arm, 15 percent to the little finger left hand, and ten percent to the ring finger left hand.....\$1,690.00.*

*Subd. 11. Kenneth Lee Napier, c/o David Musielewicz, LAMP, University of Minnesota, 95 Law Building, Minneapolis, Minnesota 55455, for an injury sustained while doing his assigned work in the License Plate Plant, MCF-St. Cloud, which resulted in a permanent partial disability of 25 percent loss of the distal tip of the left ring finger.....\$517.00.*

*Subd. 12. Patrick Petrick, No. 101385, Minnesota correctional facility, Stillwater, Minnesota 55082, for loss of his personal property when he was transferred from Lino Lakes correctional facility to Stillwater.....\$1,264.00."*

Page 2, line 7, delete "7" and insert "13"

Page 2, line 11, delete "8" and insert "14"

Page 2, line 15, delete "9" and insert "15"

Page 2, after line 19, insert:

*"Subd. 16. Helen Stumpf, on behalf of all the plaintiffs in the Ramsey*



*County district court case of Helen Stumpf, et al. v. the St. Paul board of education, 1283 Danforth Street, St. Paul, Minnesota 55117, for attorney's fees incurred in obtaining an injunction restraining the St. Paul board of education from establishing combined seasons for boys and girls tennis and swimming, payment to be made to each plaintiff of the amount actually contributed by each, the total amount not to exceed the amount specified in this subdivision, pro rated among the plaintiffs if necessary.....\$1,912.50."*

Page 2, line 20, delete "10" and insert "17"

Page 2, after line 23, insert:

*"Subd. 18. Ronald Waukazo, c/o Roderick J. McPherson, 310 Fourth Avenue South, Suite 700, Minneapolis, Minnesota 55415, for an injury sustained while doing his assigned work at MCF-Stillwater which resulted in a permanent partial disability of a 50 percent loss of the first phalange of the second finger on his right hand \$1,085.00 and \$266.00 for payment of his temporary disability.....\$1,351.00."*

Page 2, line 24, delete "11" and insert "19"

Page 2, line 28, delete "12" and insert "20"

Page 2, after line 32, insert:

*"Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.]*

*Subdivision 1. The sums set forth in this section are appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in full and final payment of claims against the state.*

*Subd. 2. Earl R. Colstrup, Route 2, Box 278, Albert Lea, Minnesota 56007, for crop loss in 1978, 1979, 1980, and 1981 resulting from highway construction on I-90.....\$7,500.*

*Ronald J. Sipple, Route 2, Box 279, Albert Lea, Minnesota 56007, for crop loss in 1978, 1980, and 1981 resulting from highway construction on I-90.....\$11,500.*

*Neither of the amounts appropriated by this subdivision shall be paid until both Earl R. Colstrup and Ronald J. Sipple have executed an agreement or agreements with the commissioner of transportation (a) releasing the state of Minnesota from any and all claims for damages, past, present, and future, of any kind or nature, occasioned by the construction or maintenance of the highway known as Interstate 90, (b) pledging not to present to the legislature any more claims relating to the construction or maintenance of I-90, and (c) waiving any objection to the construction of a drainage project by Freeborn County designed to alleviate the flooding of their land that might otherwise continue to result from the construction or maintenance of I-90, and the agreement or agreements have been filed with the county recorder.*

*Subd. 3. John Toenges, Route 2, Alden, Minnesota 56009, for damage incurred when 33 + acres of his land which was used for a borrow pit was not restored properly according to the contract.....\$2,450.*

*Sec. 3. [CANCELLATION.]*

*The appropriations made by this act shall lapse and be cancelled on June 30, 1983.*



## Sec. 4. [CANCELLATION OF OLD CLAIMS.]

*The appropriations made by the laws listed in this section, not having been used within a reasonable period of time, shall lapse and be cancelled on December 31, 1982:*

*Laws 1969, Chapter 886, Section 3, Subdivision 44 - City of West St. Paul - \$1,569.83*

*Laws 1969, Chapter 886, Section 3, Subdivision 53 - Lucille Jacobs - \$604.58*

*Laws 1969, Chapter 1066, Section 8, Subdivision 3 - City of West St. Paul - \$137.00*

*Laws 1969, Chapter 1066, Section 8, Subdivision 9 - Marie Murphy - \$1,500.00*

*Laws 1969, Chapter 1066, Section 13, Subdivision 1 - Jeanette Rudeen - \$10,200.00*

*Laws 1971, Chapter 157, Section 3, Subdivision 3 - Benjamin Burton - \$533.40*

*Laws 1973, Chapter 294, Section 4, Subdivision 44 - Sreeramulu Nagubandi - \$489.80*

*Laws 1974, Chapter 557, Section 1, Subdivision 24 - City of Farimont - \$14,638.88*

*Laws 1974, Chapter 557, Section 5, Subdivision 2 - Einar Carlsen - \$30.00*

*Laws 1974, Chapter 557, Section 7, Subdivision 2 - Albert R. Olson - \$50,000.00*

*Laws 1975, Chapter 16, Section 4, Subdivision 2 - Russell Verby - \$35,000.00*

*Laws 1975, Chapter 158, Section 4, Subdivision 2 - Rum River Lumber Co. - \$25,000.00*

*Laws 1976, Chapter 101, Section 1, Subdivision 9 - Norman H. Drews - \$520.07*

*Laws 1978, Chapter 668, Section 1, Subdivision 5 - Kathryn Spaht - \$1,600.00*

*Laws 1979, Chapter 340, Section 1, Subdivision 13 - Paul Qualy - \$2,000.00''*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for cancellation of old claims;"

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

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



H.F. No. 1553 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.
1553	1596				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1553 be amended as follows:

Page 1, line 10, delete "*shall have*" and insert "*has*"

Page 1, line 14, after "*municipal*" insert a comma

Page 1, line 16, delete "*any*" and insert "*a*"

Page 1, line 18, delete "*any*" and insert "*a*"

Page 1, line 22, delete "*When any*" and insert "*If a*"

Page 1, line 23, delete "*any*" and insert "*a*" and after "*judgment*" insert a comma

Page 1, line 24, delete "*shall*"

Page 1, line 25, after "*satisfied,*" insert "*shall immediately*"

Page 2, line 1, delete "*immediately after the expiration of the 30 days,*"

Page 2, line 3, delete "*any*" and insert "*a*"

Page 2, line 10, delete the first and second "*any*" and insert "*the*"

Page 2, line 13, delete "*Minnesota Statutes,*"

Page 2, line 18, delete "*any*" and insert "*a*"

Page 2, line 19, after "*full*" insert "*, or has expired,*"

Page 2, line 21, delete "*Any*" and insert "*A*"

Page 2, line 29, after "*and*" delete "*such*"

Page 2, line 30, after "*documents*" delete "*as*" and after "*commissioner*" delete "*shall require*" and insert "*requires*"

Page 3, lines 2 and 3, delete "*Judgments herein referred to shall be deemed satisfied*" and insert "*For the purposes of sections 1 to 3, a judgment is satisfied if*"

Page 3, line 8, delete "*When,*"

Page 2, line 13, delete "*When*"

Page 3, line 18, delete "*any*"

Page 3, line 22, delete "*INSTALMENT*" and insert "*INSTALLMENT*"

Page 3, line 26, delete "*instalments and*" and insert "*installments.*"

Page 3, line 29, delete "*instalments*" and insert "*installments*"

Page 3, line 31, delete "*when*" and insert "*if*"

Page 3, line 33, delete "*Minnesota Statutes,*" and after "*65B.48*" delete



“and” and insert a comma

Page 3, line 34, after “order” insert “or enters into a written agreement with the judgment creditor”

Page 3, delete lines 35 and 36 and insert “installments, and does not default on the payment of any installment.”

Page 4, line 1, delete “In the event” and insert “If”

Page 4, line 2, delete “instalment” and insert “installment” and after “order” insert “or agreement”

Page 4, lines 12 and 13, delete “\$20,850 for fiscal year 1983” and insert “\$20,834”

Page 4, line 13, before the period insert “, to be available until June 30, 1983.”

Page 4, line 13, after the period delete “The”

Page 4, delete lines 14 and 15 and insert:

“Sec. 6. [EFFECTIVE DATE.]

*This act is effective the day following final enactment.”*

And when so amended H.F. No. 1553 will be identical to S.F. No. 1596, and further recommends that H.F. No. 1553 be given its second reading and substituted for S.F. No. 1596, 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. 1698 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.
1698	1813				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1698 be amended as follows:

Page 3, line 10, delete “July” and insert “January”

Page 3, line 25, after the period, insert “Receipts from rentals of Rochester state hospital property shall be deposited in the general fund and are appropriated to the commissioner of administration for maintenance of the land and buildings of that campus.”

And when so amended H.F. No. 1698 will be identical to S.F. No. 1813, and further recommends that H.F. No. 1698 be given its second reading and substituted for S.F. No. 1813, 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. 1975 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.
1975	1920				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1975 be amended as follows:

Page 1, line 10, before "*may*" insert "*, subdivision 1,*"

Page 1, line 17, delete "\$500" and insert "\$5,000"

And when so amended H.F. No. 1975 will be identical to S.F. No. 1920, and further recommends that H.F. No. 1975 be given its second reading and substituted for S.F. No. 1920, 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. 1018 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.
1018	1269				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1018 be amended as follows:

Page 2, line 10, delete "*of producers*"

Page 2, line 13, delete "*buying commodities*"

Page 2, delete lines 14 and 15, and insert "*domiciled inside or outside of the state which buy commodities from Minnesota producers.*"

Page 2, line 18, strike everything after "17.69"

Page 2, line 19, strike everything before the period

Page 2, line 22, delete "*the channels of trade and commerce,*" and insert "*commercial channels,*"

Page 4, delete lines 1 to 5 and insert "*consent of the a council and after a referendum pursuant to this chapter, which establishes a program for promotion, advertising, production, market research, and market development of the growing, processing, distributing, sale of or handling of an agricultural prod-*



~~ucts covered by referendum~~ commodity and"

Page 4, line 12, before "operation" insert "agricultural" and before the period insert "*which produces or grows the commodity*"

Page 4, delete lines 34 to 36 and insert "~~such commodity. Such petition shall be certified by~~ At least two producers ~~to have~~ shall certify under oath that the petition has been signed only by producers of the commodity involved."

Page 5, delete line 1

Page 6, delete lines 7 to 21 and insert "declared elected to the first council. ~~In each calendar year following the one in which~~

*After the first council for a commodity is elected candidates shall be selected and, an election shall be held annually to elect a successor or successors to members of the council member or members whose term or terms expire in that year. Nominations shall be made and the elections The election shall be held in the same manner as prescribed for the first council election except that the choice of manner of choosing nominating committee members, the time of nominations and the time and place of elections shall be fixed by the commissioner with the consent of the council. Mail balloting may be permitted by the commissioner.*"

Page 6, delete lines 32 to 36

Page 7, delete lines 1 to 4 and insert "year. All ~~elected successor~~ council members *elected in succeeding elections* shall ~~be elected for~~ serve three year terms and ~~each shall serve until his successor is~~ their successors are elected and qualified. *All terms shall expire on June 30 of the last year of the term unless another date is established by the commissioner for specific councils.* In the event a council member ceases to have any of the qualifications herein established, his office shall be deemed vacant. ~~Any~~ An interim vacancy on the council shall be filled by the council for the remainder of the term vacated. *The successor so appointed shall be a commodity producer residing in the same crop reporting district as the former member.*"

Page 7, line 5, delete "or his"

Page 7, line 6, delete "designee"

Page 7, line 21, before "council" delete "the" and insert "a"

Page 8, line 13, delete "Becker," and "Otter Tail,"

Page 8, line 14, after "Hubbard" insert ", Becker, Ottertail"

Page 8, delete lines 29 and 30 and insert "*that the area was organized prior to July 1, 1982, pursuant to section 30.464, subdivision 3, as amended through June 30, 1982.*"

Page 9, line 3, after "30.472" insert "*as amended through June 30, 1982,*"

Page 9, line 17, after "amended," insert "the vote in"

Page 9, line 20, before the period insert "*for bloc voting by a cooperative*"

Page 9, line 28, delete "The"

Page 9, line 29, delete everything before the period and insert "*The cooperative shall return the completed bloc vote ballot to the commissioner*"



Page 10, line 30, before the period insert "*of chapter 15*"

Page 12, line 8, before the period insert "*of chapter 15*"

Page 12, line 21, strike "such necessary" and "as" and before "*are*" insert "*which*"

Page 13, delete lines 6 to 8 and insert "~~funds to be made by a certified auditing firm.~~ Each council shall make available an annual financial statement ~~shall be available~~ of the council to any producer upon request."

Page 13, delete lines 12 to 14 and insert:

"Subdivision 1. [CONTRACTS.] ~~The commissioner, with the advice and consent of the~~ A council, *with the approval of the commissioner*, may contract and cooperate"

Page 13, line 29, after "~~and~~" insert ". A council may employ"

Page 13, line 30, reinstate "other personnel" and "necessary"

Page 13, line 30, after "~~deemed~~" insert "*as it deems*"

Page 14, delete lines 4 to 7 and insert "*of elections, referenda, and meetings of a council and operation* ~~the administration~~ of a promotional order for any commodity ~~coming under sections 17.51 to 17.69, the commissioner shall follow the~~ *be governed by rules and regulations as*"

Page 14, line 14, delete "*1 to 11*" and insert "*17.51 to 17.69*"

Page 15, line 20, after "*support*" insert "*or oppose*"

Page 15, line 21, after "*for*" insert "*nomination or election to a*"

Page 16, delete lines 3 to 10 and insert:

"All of the records of ~~the~~ a council, *except as otherwise provided in this section*, shall be *open to the public records* and shall be available for inspection by any person for any lawful purpose, provided, however, that the council shall be empowered to make reasonable rules ~~and regulations~~ concerning the *inspection of the records*, the time or place of ~~such~~ inspection, or the manner in which the information shall be made available. *Financial information pertaining to individual participating producers shall not be open to the public.*"

Page 17, line 18, strike "certification" and after "statement" insert "*certifying*"

Page 17, line 22, delete "*Termination*"

Page 17, delete line 23 and insert "*A hearing for a termination of an order need not be held as provided in chapter 15.*"

Page 17, line 28, before "rule" insert "*any*"

Page 1, line 1, delete "*or check-off fee*"

Page 18, delete lines 17 and 18 and insert

"*This act is effective July 1, 1982.*"

Amend the title as follows:

Page 1, line 8, delete "amending"



And when so amended H.F. No. 1018 will be identical to S.F. No. 1269, and further recommends that H.F. No. 1018 be given its second reading and substituted for S.F. No. 1269, 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. 2199 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for 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.
2199	1752				

and that the above 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. Report adopted.

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

H.F. No. 1919 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.
1919	1847				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1919 be amended as follows:

Page 5, line 15, delete "*may proceed with the proposed agency action*" and insert "*shall be deemed a recommendation that the agency take the action as proposed*"

Page 5, line 27, delete the underscoring

Page 8, line 32, delete "80" and insert "*at least 70*"

And when so amended H.F. No. 1919 will be identical to S.F. No. 1847, and further recommends that H.F. No. 1919 be given its second reading and substituted for S.F. No. 1847, 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. 2156 for comparison with companion Senate File, reports the



following House File was found identical and recommends the House File be given its second reading and substituted for 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.
				2156	2053

and that the above 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. Report adopted.

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

H.F. No. 1737 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.
1737	1661				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1737 be amended as follows:

Page 4, line 20, delete "*based on the service credit section or*"

Page 4, line 21, delete "*the service pension otherwise payable*"

Page 5, line 32, delete "*whichever*" and insert "*which*"

Page 6, line 1, delete "*whichever*" and insert "*which*"

Page 6, line 20, delete the comma and insert "*or*" and after "*benefits*" delete "*or*"

Page 6, line 21, delete "*rehabilitation benefits*"

Page 6, line 32, delete "*incorporaton*" and insert "*incorporation*"

Page 7, line 19, delete "*associaton*" and insert "*association*"

Page 7, line 21, delete "*section*" and insert "*section*" and delete "*persn*" and insert "*person*"

Page 7, line 34, delete "*Association.'''*" and insert "*Association'.*"

Page 8, line 3, delete "*incorporaton*" and insert "*incorporation*"

Page 8, line 6, delete "*applicaton*" and insert "*application*"

Page 9, line 12, after "*section*" insert "*14*"

Page 9, line 20, delete "*recieved*" and insert "*received*"

Page 10, line 1, delete the semicolon and insert a colon

Page 11, line 11, delete "*NONGARNISHMENT*" and insert "*NON-GARNISHMENT*"

Page 11, line 13, delete "*of*"

Page 11, line 28, after "*1947*" insert a comma



Page 11, line 29, after "section" insert a comma

Pages 11 to 14, delete sections 20 and 21

Page 14, line 2, delete "22" and insert "20"

Page 14, line 6, delete everything after the period

Page 14, delete lines 7 to 9

Amend the title as follows:

Page 1, line 3, delete "association" and insert "associations"

Page 1, line 17, delete everything after the semicolon

Page 1, delete lines 18 to 21

And when so amended H.F. No. 1737 will be identical to S.F. No. 1661, and further recommends that H.F. No. 1737 be given its second reading and substituted for S.F. No. 1661, 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. 1760 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.
1760	1707				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1760 be amended as follows:

Page 1, line 17, before "Any" insert "[PENALTY.]"

Page 2, line 7, before "Any" insert "[PENALTY.]"

Page 2, line 27, before "Any" insert "[SUBSEQUENT OFFENSE.]"

Page 2, delete line 31

Page 3, line 3, before "Any" insert "[CIVIL ACTION; TREBLE DAMAGES.]"

Page 3, lines 14, 17, 24, 29, and 33, strike "therein" and insert "in it"

Page 4, delete section 6

Page 4, line 28, delete everything after the period

Page 4, delete lines 29 and 30

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "626A.05, Subdivision 2;"



And when so amended H.F. No. 1760 will be identical to S.F. No. 1707, and further recommends that H.F. No. 1760 be given its second reading and substituted for S.F. No. 1707, 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. 1994 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.
1994	1930				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1994 be amended as follows:

Page 2, line 3, delete the new language and before "upon" insert "(a)"

And when so amended H.F. No. 1994 will be identical to S.F. No. 1930, and further recommends that H.F. No. 1994 be given its second reading and substituted for S.F. No. 1930, 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. 2058 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.
2058	2038				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2058 be amended as follows:

Page 2, line 10, before the period insert ", unless release would be detrimental to the best interests of the child"

Page 3, delete lines 20 to 28 and insert "confidential while the report is under investigation. After the investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order."

Page 4, delete lines 2 to 5 and insert "private data. If no"

Page 4, after line 34, insert:

"Sec. 6. Minnesota Statutes 1980, Section 626.557, Subdivision 19, is



amended to read:

Subd. 19. [PENALTY.] Any caretaker, as defined in subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, permits conditions to exist which result in the abuse or neglect of a vulnerable adult, ~~may be charged with a violation of section 609.23~~ *is guilty of a gross misdemeanor.*"

Page 4, line 36, delete "5" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, after line 5, insert "prescribing penalties;"

Page 1, line 8, after the comma insert "Subdivision 19,"

And when so amended H.F. No. 2058 will be identical to S.F. No. 2038, and further recommends that H.F. No. 2058 be given its second reading and substituted for S.F. No. 2038, 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. 1849 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.
1849	2172				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1849 be amended as follows:

Page 1, line 24, reinstate the stricken language

Page 1, line 25, delete "*penalty assessment*" and insert "*surcharge*"

Page 2, line 10, reinstate the stricken language

And when so amended H.F. No. 1849 will be identical to S.F. No. 2172, and further recommends that H.F. No. 1849 be given its second reading and substituted for S.F. No. 2172, 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. 1867 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:



<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1867	1855				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1867 be amended as follows:

Page 4, line 3, reinstate the stricken language and delete the new language

Page 4, delete lines 17 to 24 and insert:

“(b) [EXCEPTIONS.] (1) Any *regularly salaried officer or employee* of a licensed insurer may, without license or other qualification, act ~~in its~~ on behalf of that licensed insurer in the negotiation ~~and consummation~~ of ~~contracts~~ a contract on a variable basis, provided that a licensed agent must participate in the sale of any contract.”

Page 4, line 25, reinstate the stricken language and delete the new language

Page 4, line 33, reinstate the stricken language and delete the new language

Page 4, line 34, reinstate the stricken language and delete the new language

Page 5, line 4, reinstate the stricken language and delete the new language

Page 5, line 10, after “*renewed*” insert a comma

Amend the title as follows:

Page 1, lines 2 and 3, delete “authorizing the commissioner to enjoin violations of chapter 60A;”

Page 1, line 4, after the semicolon insert “authorizing the commissioner to enjoin violations of chapter 60A;”

And when so amended H.F. No. 1867 will be identical to S.F. No. 1855, and further recommends that H.F. No. 1867 be given its second reading and substituted for S.F. No. 1855, 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. 1690 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1690	1650				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1690 be amended as follows:

Page 2, line 8, after “Act,” insert “42 U.S.C. Sections 670 to 676,”

Page 3, line 27, after “Act,” insert “42 U.S.C. Sections 670 to 676,”

Page 4, line 3, delete “; and” and insert “, and Laws 1981, Third Special



Session"

Page 4, line 4, after "17" insert a comma

Page 4, line 8, delete the semicolon and insert a comma

Page 4, line 9, before "or" insert "42 U.S.C. Sections 670 to 676;"

Page 4, line 12, before the semicolon insert ", 42 U.S.C. Sections 670 to 676"

Page 7, line 9, delete "This act is" and insert "Sections 1 to 7 are"

Amend the title as follows:

Page 1, lines 2 to 7, delete "requiring the commissioner of public welfare to promulgate rules which establish foster care maintenance payments by the state; establishing a state goal for the reduction of the number of children in residential facilities for more than 24 months;" and insert "establishing foster care maintenance payments by the state; requiring the commissioner of public welfare to promulgate rules which establish a state goal for the reduction of the number of children in residential facilities for more than 24 months;"

Page 1, line 13, after "payments" insert "or adoption assistance"

And when so amended H.F. No. 1690 will be identical to S.F. No. 1650, and further recommends that H.F. No. 1690 be given its second reading and substituted for S.F. No. 1650, 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. 1469 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.
1469	1449				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1469 be amended as follows:

Page 1, line 16, delete "any" and insert "a"

Page 1, line 18, delete "any"

Page 1, line 20, delete "any" and insert "a"

Page 2, line 5, delete "when" and insert "if"

Page 2, line 20, delete "(a)" and insert "(1)"

Page 2, line 22, delete "(b)" and insert "(2)"

Page 3, line 1, delete "any"

Page 3, line 8, delete "(a)" and insert "(1)" and delete "(b)" and insert



“(2)”

Page 3, line 11, delete “(c)” and insert “(3)”

Page 3, line 13, delete “(d)” and insert “(4)”

Page 4, line 14, delete “Any” and insert “A”

Page 4, line 20, delete “Any” and insert “An”

Page 4, line 21, delete “any” and insert “a”

Page 4, line 28, delete “Any” and insert “An”

Page 4, line 29, delete “any” and insert “a”

Page 4, line 33, delete “Any” and insert “A”

Page 5, line 2, delete “any” and insert “a”

Page 5, line 3, delete “any” and insert “a”

Page 5, lines 4 and 5, delete “Minnesota Statutes,”

Page 5, line 7, before “person” delete “Any” and insert “A” and after “in” delete “any” and insert “a”

Page 5, line 10, delete “any” and insert “a”

Page 5, line 18, delete “Any” and insert “A”

Page 5, line 25, delete “shall include,” and insert “ includes:”

Page 5, delete line 26

Page 6, line 3, delete “Any” and insert “An”

Page 6, line 7, delete “any”

Page 6, line 12, delete “Provided, however, that” and insert “However,”

Page 6, line 21, delete “where” and insert “if”

Page 6, line 22, delete “satisfaction of the”

Page 7, line 6, delete “, together with any” and insert “ and pay to the defendant”

Page 7, lines 14 and 15, delete “Minnesota Statutes,”

Page 7, line 20, delete “any” and insert “an”

Page 7, line 28, delete “any” and insert “an” in both instances

And when so amended H.F. No. 1469 will be identical to S.F. No. 1449, and further recommends that H.F. No. 1469 be given its second reading and substituted for S.F. No. 1449, 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. 1894 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.
1894	1941				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1894 be amended as follows:

Page 1, line 16, delete "*residential*"

Page 3, line 32, after "677" insert a comma and after "*amended*" insert "*by Laws 1974, Chapter 677, Section 2*"

Page 7, line 19, after "sale" insert "*or rent*"

Page 7, line 22, delete the new language

Page 10, line 35, delete "*are*"

Page 11, line 6, delete the underscoring after "*be*"

Page 12, lines 12 to 15, delete the new language

Amend the title as follows:

Page 1, lines 4 and 5, delete "providing for the allocation of mortgage bonds;"

And when so amended H.F. No. 1894 will be identical to S.F. No. 1941, and further recommends that H.F. No. 1894 be given its second reading and substituted for S.F. No. 1941, 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. 1576 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.
1576	1507				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1576 be amended as follows:

Page 2, line 12, after the period insert "*The provisions of sections 47.20 and 47.21 do not apply to loans made under this section, except as specifically provided in this subdivision.*"

Page 3, line 29, after the period insert "*The provisions of sections 47.20 and 47.21 do not apply to loans made under this chapter, except as provided in this section.*"

Page 8, delete lines 26 to 33

Renumber the sections in sequence



Amend the title as follows:

Page 1, line 11, delete everything after the first semicolon

Page 1, line 15, after "Subdivisions 1" delete ", 3,"

And when so amended H.F. No. 1576 will be identical to S.F. No. 1507, and further recommends that H.F. No. 1576 be given its second reading and substituted for S.F. No. 1507, 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. 1897 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.
				1897	1873

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1897 be amended as follows:

Page 1, after line 11, insert:

"Section 1. [28A.065] [LICENSE REQUIREMENTS FOR A CARNIVAL, CIRCUS, OR FAIR.]

*No person whose place of business is a carnival, circus, or fair and who holds a license pursuant to this chapter or chapter 157 shall be required to obtain any additional license or permit pursuant to the provisions of an ordinance or regulation of a political subdivision in order to engage in any aspect of food handling or to operate a restaurant.*

*This section does not exempt the person from compliance with the provisions of chapters 37 and 38, any sanitation, public health or zoning ordinance, privilege license requirements or other regulation of the fair or political subdivision having jurisdiction over the area in which the carnival, circus, or fair is conducted."*

Page 2, line 20, delete ", and" and insert "and chapter"

Page 7, line 31, reinstate the stricken language

Page 8, after line 13, insert:

"Sec. 14. Minnesota Statutes 1980, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause,



equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm to perform services other than corn detasseling;

(2a) for purposes of section 177.24, an individual who has not attained the age of 18 who is employed in agriculture as a corn detasseler;

(3) any staff member employed with an organized resident or day camp licensed with the state;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a ~~part-time~~ *seasonal* basis in a carnival, circus or fair;

(12) any individual under the age of 18 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304;

(15) any individual employed as a seafarer; the term "seafarer" means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firefighters, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213(b)(6)."

Renumber the sections in sequence

Amend the title as follows:



Page 1, line 2, after "to" insert "fairs, carnivals and circuses; clarifying the food handling license requirements applicable to fairs, carnivals and circuses; changing the exclusion from minimum wage coverage for certain fair, carnival or circus workers; updating and clarifying certain powers and duties of"

Page 1, lines 2 to 4, delete "updating and clarifying certain powers and duties of the society;"

Page 1, line 7, delete "and" and after the fourth semicolon insert "177.23, Subdivision 7; proposing new law coded in Minnesota Statutes, Chapter 28A;"

And when so amended H.F. No. 1897 will be identical to S.F. No. 1873, and further recommends that H.F. No. 1897 be given its second reading and substituted for S.F. No. 1873, and that the Senate File be indefinitely postponed.

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

Mr. Willet from the Committee on Finance, to which was re-referred

S.F. No. 1928: A bill for an act relating to public welfare; providing for regulation of aversive or deprivation procedures for behavior modification of mentally retarded individuals in order that the procedures are appropriately selected, planned, and implemented with due regard for human rights and needs; proposing new law coded in Minnesota Statutes, Chapter 245.

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

Page 1, line 16, delete "another" and insert "a facility staff"

Page 1, line 19, delete "another" and insert "a facility staff"

Page 2, after line 8, insert:

"(f) 'Facility staff person' means an owner, operator, or employee of a facility or volunteer or other person who provides services at a facility, or a person acting under the direction and control of such a person at or for the facility.

(g) 'Mechanical restraint' means all forms of restraint used to restrict the movement of an individual or the movement or normal function of a portion of the individual's body, administered as part of a behaviorally contingent program. The term does not include time out from reinforcement."

Page 2, line 13, after "others" insert "or to control severely disruptive behavior"

Page 2, line 22, delete everything after "as" and insert "the location of the regional review committees established pursuant to subdivision 4, clause (d)(2);"

Page 2, delete lines 23 and 24

Page 2, line 26, after "procedures" insert "listed in subdivision 4, clause (d)" and delete "private"

Page 2, line 29, delete the colon



Page 2, line 30, delete "(1)" and delete "facilities, and (2) to" and insert "facilities regarding"

Page 2, line 31, delete "approve and monitor"

Page 2, line 32, delete "listed in subdivision 4, clause (e)"

Page 2, line 33, after "consumers" insert "or facilities"

Page 4, line 1, after the period, insert "The commissioner may further define the provisions of subdivision 4 by rule."

Page 4, delete lines 6 and 7

Page 4, line 8, delete "(b)" and insert "(a)" and after "with" insert "any"

Page 4, line 10, delete "(c)" and insert "(b)"

Page 4, line 21, after "procedures" insert ". Nothing in this paragraph shall be construed to limit a facility's discretion to deny services for reasons, other than failure to consent, permitted by applicable law and rule"

Page 4, line 22, delete "(d)" and insert "(c)"

Page 4, line 30, delete "(e)" and insert "(d)"

Page 4, line 31, delete "restrictive clothing" and insert "mechanical restraint"

Page 5, line 2, before "The" insert "If regional review committees have been established,"

Page 5, line 14, delete "(f)" and insert "(e)"

Page 5, line 16, delete "(g)" and "(f)"

Page 5, line 25, after "promulgate" insert ", no later than October 1, 1983,"

Page 5, line 28, delete "one year following the date"

Page 5, delete lines 29 and 30 and insert "on August 1, 1982."

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

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

S.F. No. 1685: A bill for an act relating to metropolitan government; regulating the organization, duties and powers of the metropolitan mosquito control district and commission; authorizing taxes; amending Minnesota Statutes 1980, Sections 473.701, Subdivisions 1, 2 and 3; 473.702; 473.704, Subdivision 17; and 473.711, Subdivision 2; repealing Minnesota Statutes 1980, Sections 473.701, Subdivisions 5 and 6; 473.713; and 473.717.

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

Page 2, after line 15, insert:

"Sec. 5. Minnesota Statutes 1980, Section 473.703, Subdivision 1, is amended to read:



Subdivision 1. The district shall be operated by a commission which shall consist of two members from each county within the district, *except that each county within the district which has a seven member county board as provided in section 375.01 shall have one additional member on the commission.* Commissioners shall be members of the board of county commissioners of their respective counties, and shall be appointed by their respective boards of county commissioners."

Page 2, after line 35, insert:

"Sec. 7. Minnesota Statutes 1980, Section 473.705, is amended to read:

473.705 [CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.]

No contract for the purchase of materials, supplies, and equipment costing more than ~~\$2,500~~ \$5,000 shall be made by the commission without publishing the notice once in the official newspaper of each of the counties in the district that bids or proposals will be received. The notice shall be published at least ten days before bids are opened. Such notice shall state the nature of the work or purchase and the terms and conditions upon which the contract is to be awarded, naming therein a time and place where such bids will be received, opened, and read publicly. After such bids have been duly received, opened, read publicly, and recorded, the commission shall award such contract to the lowest responsible bidder or it may reject all bids. Each contract shall be duly executed in writing and the party to whom the contract is awarded may be required to give sufficient bond to the commission for the faithful performance of the contract. If no satisfactory bid is received the commission may readvertise. The commission shall have the right to set qualifications and specifications and to require bids to meet such qualifications and specifications before bids are accepted. If the commission by an affirmative vote of five-sixths of the voting power of the commission shall declare that an emergency exists requiring the immediate purchase of materials or supplies at a cost in excess of ~~\$2,500~~ \$5,000 but not to exceed ~~\$5,000~~ \$10,000 in amount, or in making emergency repairs, it shall not be necessary to advertise for bids, but such material, equipment, and supplies may be purchased in the open market at the lowest price available without securing formal competitive bids. An emergency as used in this section shall be an unforeseen circumstance or condition which results in placing life or property in jeopardy. All contracts involving employment of labor shall stipulate terms thereof and such conditions as the commission deems reasonable as to hours and wages."

Page 3, line 5, strike "Each county in the district"

Page 3, strike line 6

Page 3, line 7, strike "of the cost of the activities of the commission" and delete ". The"

Page 3, line 8, strike "share shall be" and delete the new language

Page 3, delete line 9

Page 3, line 10, delete "council" and strike the period and delete "The" and strike "levy where necessary may be made separate"

Page 3, strike line 11



Page 3, line 12, strike "of the year" and before the period, insert "*The commission may levy a tax on all taxable property in the district as defined in section 473.702 to provide funds for the purposes of sections 473.701 to 473.716. The tax shall not exceed six-tenths of one mill. The auditor of each county in the district shall add the amount of the levy made by the district to other taxes of the county for collection by the county treasurer with other taxes. When collected, the county treasurer shall make settlement of the tax with the district in the same manner as other taxes are distributed to political subdivisions*"

Page 3, line 21, delete "Carver,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "increasing size of commission membership; increasing certain commission expenditure amounts;"

Page 1, line 6, after "473.702;" insert "473.703, Subdivision 1;"

Page 1, line 7, after "17;" insert "473.705;"

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1800, 2027, 1508, 1901, 1617, 1961, 1789, 1928 and 1685 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1547, 1550, 1553, 1698, 1975, 1018, 2199, 1919, 2156, 1737, 1760, 1994, 2058, 1849, 1867, 1690, 1469, 1894, 1576 and 1897 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Knoll moved that S.F. No. 1964 be taken from the table. The motion prevailed.

S.F. No. 1964: A bill for an act relating to state government; ratifying state employee and University of Minnesota labor agreements and compensation plans; amending Minnesota Statutes 1980, Section 299D.03, Subdivision 2; repealing Minnesota Statutes 1980, Sections 299C.041; and 299D.03, Subdivision 3.

Mr. Knoll moved that the Senate do not concur in the amendments by the House to S.F. No. 1964, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Berg moved that H.F. No. 1478 be recalled from the House of Representatives for further consideration.

The question was taken on the adoption of the motion.



The roll was called, and there were yeas 21 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pehler introduced—

Senate Resolution No. 79: A Senate resolution commending the order of the Knights of Columbus upon the one hundredth anniversary of its founding.

Referred to the Committee on Rules and Administration.

Mr. Moe, D.M. moved that S.F. No. 1239 be taken from the table. The motion prevailed.

S.F. No. 1239: A bill for an act relating to the operation of state government; authorizing the state board of investment to employ investment management firms to invest certain funds on its behalf; appropriating money; amending Minnesota Statutes 1980, Section 11A.04.

Mr. Moe, D.M. moved that the Senate do not concur in the amendments by the House to S.F. No. 1239, 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 proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Solon, Waldorf and Lindgren introduced—

S.F. No. 2223: A bill for an act relating to health; requiring licensing of certain home health agencies; directing the department of health to regulate home health agencies; establishing penalties; appropriating money; amending



Minnesota Statutes 1980, Sections 144A.51, by adding a subdivision; 144A.52, Subdivision 3; 144A.53; and 144A.54, Subdivision 1; proposing new law coded as Minnesota Statutes, Chapter 144B.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chmielewski introduced—

S.F. No. 2224: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25 and 26; Article V, Sections 3 and 5; Article VIII, Section 1; Article IX, Sections 1 and 2; and Article XI, Section 5; providing for a unicameral legislature of not more than 135 members.

Referred to the Committee on Governmental Operations.

Mr. Dahl introduced—

S.F. No. 2225: A bill for an act relating to education; requiring a report on the effect of the transportation aid formula and other state aids on school closings.

Referred to the Committee on Education.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

### SPECIAL ORDER

S.F. No. 1988: A bill for an act relating to housing; directing the commissioner of energy, planning and development to administer certain federal money; proposing new law coded in Minnesota Statutes, Chapter 362.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.



## SPECIAL ORDER

H.F. No. 917: A bill for an act relating to retirement; authorizing special coverage for members of the Minnesota state retirement system prohibited from performing specified duties after age 60; clarifying various aspects of the special retirement program for certain employees of the department of military affairs; amending Minnesota Statutes 1980, Section 352.85, Subdivisions 1 and 3; proposing new law coded in Minnesota Statutes, Chapter 352.

Mr. Wegener moved to amend H.F. No. 917, as amended pursuant to Rule 49, adopted by the Senate March 8, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 881.)

Page 3, after line 18, insert:

“Sec. 4. [LITTLE FALLS CITY ADMINISTRATOR DEFERRED COMPENSATION ELECTION.]

*Notwithstanding the deadline for elections established by Minnesota Statutes 1981 Supplement, Section 353.028, Subdivision 2, the person employed by the city of Little Falls in the position of city manager or administrator on the effective date of this act may, within 30 days following the effective date of this act, exercise the election authorized by section 353.028, subdivision 2 to be excluded from membership in the public employees retirement association and to participate in a deferred compensation program. An election pursuant to this section shall be retroactive to May 22, 1981. All other provisions of section 353.028 shall apply.”*

Page 3, after line 23, insert:

*“Section 4 is effective upon approval by the Little Falls city council and upon compliance with Minnesota Statutes, Section 645.021.”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert “extending deferred compensation option to Little Falls city administrator;”

The motion prevailed. So the amendment was adopted.

H.F. No. 917 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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



**SPECIAL ORDER**

S.F. No. 2054: A bill for an act relating to the department of economic security; regulating community action programs and agencies; amending Minnesota Statutes 1981 Supplement, Sections 268.52, Subdivisions 1, 2, and 4; 268.53, Subdivisions 1, 2, and by adding subdivisions; 268.54, Subdivision 2.

Mr. Sikorski moved to amend S. F. No. 2054 as follows:

Page 3, line 21, after "*opportunity*" insert "*for final review and authorization for a new community action agency*"

Page 4, line 6, delete everything after "*(e)*"

Page 4, line 7, delete everything before "*The*"

Page 4, line 8, delete "*also*"

The motion prevailed. So the amendment was adopted.

S.F. No. 2054 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kroening	Peterson, C. C.	Solon
Bang	Engler	Kronebusch	Peterson, D. L.	Spear
Belanger	Frank	Lantry	Peterson, R. W.	Stokowski
Benson	Frederick	Lessard	Petty	Stumpf
Berg	Frederickson	Luther	Pillsbury	Ulland
Bernhagen	Hughes	Merriam	Purfeerst	Vega
Bertram	Humphrey	Moe, R. D.	Ramstad	Waldorf
Brataas	Kamrath	Olhoft	Rued	Wegener
Chmielewski	Knoll	Pehler	Setzepfandt	Willet
Davies	Knutson	Penny	Sikorski	

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

**SPECIAL ORDER**

S.F. No. 1793: A bill for an act relating to local government; authorizing the establishment of subordinate service districts in order to provide and finance governmental services; establishing provision for the event that grant funding is not received for the North Koochiching area sanitary district; amending Minnesota Statutes 1980, Section 275.50, by adding a subdivision; Laws 1981, Chapter 291, Sections 2, Subdivisions 1 and 2, and by adding subdivisions; 4, Subdivision 1; 5, subdivision 2; 7; 8, Subdivisions 1 and 2, and by adding a subdivision; and 24; proposing new law coded as Minnesota Statutes, Chapter 375B.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 5, as follows:

Those who voted in the affirmative were:



Ashbach	Engler	Lantry	Petty	Stokowski
Bang	Frank	Lessard	Pillsbury	Stumpf
Belanger	Hughes	Lindgren	Purfeerst	Tennessee
Benson	Humphrey	Luther	Ramstad	Ulland
Berg	Kamrath	Moe, R. D.	Rued	Vega
Bernhagen	Knoll	Olhoft	Schmitz	Waldorf
Bertram	Knutson	Pehler	Setzepfandt	Wegener
Brataas	Kroening	Penny	Sikorski	Willet
Chmielewski	Kronebusch	Peterson, C. C.	Solon	
Davis	Langseth	Peterson, D. L.	Spear	

Those who voted in the negative were:

Berglin	Davies	Dieterich	Merriam	Peterson, R. W.
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 1915: A bill for an act relating to local government; establishing a board to implement and administer a plan for a segment of the Minnesota river in Blue Earth, Brown, Le Sueur, Nicollet, Redwood and Renville counties.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Merriam	Pillsbury	Taylor
Belanger	Frank	Moe, R. D.	Purfeerst	Tennessee
Benson	Frederickson	Nelson	Ramstad	Ulland
Bernhagen	Humphrey	Olhoft	Renneke	Vega
Bertram	Kamrath	Pehler	Setzepfandt	Waldorf
Chmielewski	Knoll	Penny	Sikorski	Willet
Davies	Kroening	Peterson, C. C.	Solon	
Davis	Lantry	Peterson, D. L.	Spear	
Dicklich	Lessard	Peterson, R. W.	Stokowski	
Dieterich	Luther	Petty	Stumpf	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S.F. No. 303: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; authorizing parimutuel betting on races if authorized by law; dedicating earnings to social services for compulsive gamblers and to combatting organized crime.

Mr. Solon moved to amend S.F. No. 303 as follows:

Page 1, line 14, delete everything after the period

Page 1, delete lines 15 to 18

Page 1, line 22, delete "authorize"

Page 1, delete lines 23 and 24

Page 1, line 25, delete everything before the question mark and insert "permit the legislature to authorize and tax parimutuel wagering on horse



*rating in a manner prescribed by law"*

Amend the title as follows:

Page 1, line 4, delete ";; dedicating"

Page 1, delete line 5

Page 1, line 6, delete everything before the period

### CALL OF THE SENATE

Mr. Tennesen imposed a Call of the Senate for the balance of the proceedings on S.F. No. 303 and requested that a record be made of those present. The following Senators answered to their names:

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

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

Mr. Tennesen moved to amend the Solon amendment to S.F. No. 303 as follows:

Page 1, line 7, delete everything before "*on*" and insert "*betting*"

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

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

Benson	Dahl	Knutson	Olhoft	Sieloff
Berg	Davies	Lindgren	Peterson, D.L.	Spear
Berglin	Dieterich	Luther	Peterson, R.W.	Tennesen
Bernhagen	Engler	Merriam	Pillsbury	Waldorf
Chmielewski	Kamrath	Moe, D. M.	Renneke	

Those who voted in the negative were:

Ashbach	Frederick	Lantry	Purfeerst	Stumpf
Bang	Frederickson	Lessard	Ramstad	Taylor
Belanger	Hughes	Moe, R. D.	Rued	Ulland
Bertram	Humphrey	Nelson	Schmitz	Vega
Brataas	Knoll	Pehler	Sikorski	Wegener
Davis	Kroening	Penny	Solon	Willet
Dicklich	Kronebusch	Peterson, C.C.	Stern	
Frank	Langseth	Petty	Stokowski	

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

The question recurred on the Solon amendment.



Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 37 and nays 25, as follows:

Those who voted in the affirmative were:

Ashbach	Frederickson	Lessard	Ramstad	Ulland
Bang	Hughes	Moe, R. D.	Schmitz	Vega
Belanger	Humphrey	Nelson	Setzepfandt	Waldorf
Benson	Knoll	Pehler	Sikorski	Wegener
Bertram	Kroening	Peterson, C.C.	Solon	Willet
Davis	Kronebusch	Peterson, D.L.	Stern	
Dicklich	Langseth	Petty	Stokowski	
Frank	Lantry	Purfeerst	Stumpf	

Those who voted in the negative were:

Berg	Dahl	Kamrath	Olhoft	Rued
Berglin	Davies	Lindgren	Penny	Sieloff
Bernhagen	Dieterich	Luther	Peterson, R.W.	Spear
Brataas	Engler	Merriam	Pillsbury	Taylor
Chmielewski	Frederick	Moe, D. M.	Renneke	Tennessen

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend S. F. No. 303 as follows:

Page 1, line 20, delete "*proposed amendment*" and insert "*amendment proposed in section 1*"

Page 2, after line 1, insert:

"Sec. 3. [CONSTITUTIONAL AMENDMENT PROPOSED.]

*An amendment to the Minnesota Constitution, Article XIII, is proposed to the people. If the amendment is adopted, Section 5 will be repealed.*

Sec. 4. [SUBMISSION TO VOTERS.]

*The amendment proposed in section 3 shall be submitted to the people at the 1982 general election. The question submitted shall be:*

*"Shall the Minnesota Constitution be amended to remove the prohibition against lotteries?"*

Yes .....  
No .....

Amend the title as follows:

Page 1, line 3, before "adding" insert "by"

Page 1, line 3, delete "authorizing" and insert "to authorize"

Page 1, line 6, before the period, insert "proposing an amendment to the Minnesota Constitution by repealing Article XIII, Section 5, the prohibition against lotteries"

The question was taken on the adoption of the amendment.

Mr. Purfeerst moved that those not voting be excused from voting. The motion prevailed.



The roll was called, and there were yeas 32 and nays 29, as follows:

Those who voted in the affirmative were:

Bang	Humphrey	Luther	Purfeerst	Stumpf
Belanger	Knoll	Moe, R. D.	Ramstad	Ulland
Bertram	Kroening	Nelson	Rued	Vega
Davis	Kronebusch	Pehler	Sikorski	Willet
Dicklich	Lantry	Penny	Solon	
Frank	Lessard	Peterson, C. C.	Stern	
Frederickson	Lindgren	Petty	Stokowski	

Those who voted in the negative were:

Ashbach	Dahl	Knutson	Peterson, D. L.	Spear
Benson	Davies	Langseth	Peterson, R. W.	Taylor
Berg	Dieterich	Menning	Pillsbury	Tennessen
Bernhagen	Frederick	Merriam	Renneke	Waldorf
Brataas	Hughes	Moe, D. M.	Schmitz	Wegener
Chmielewski	Kamrath	Olhoft	Sieloff	

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 303 as follows:

Page 1, line 13, delete "*parimutuel betting*" and insert "*initiative and referendum*"

Page 1, line 14, delete "*on horse racing*" and delete "*One-half of the*"

Page 1, delete lines 15 to 18

Page 1, delete lines 23 and 24 and insert "*initiative and referendum in a manner prescribed by law*"

Page 1, line 25, delete everything before the question mark

Amend the title as follows:

Page 1, line 3, delete "*parimutuel*" and insert "*initiative and referendum in a manner prescribed by law.*"

Page 1, delete lines 4 to 6

Mr. Purfeerst questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Mr. Sieloff appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Senate?"

The roll was called, and there were yeas 42 and nays 12, as follows:

Those who voted in the affirmative were:

Bang	Dieterich	Lessard	Petty	Stumpf
Belanger	Frank	Luther	Pillsbury	Tennessen
Benson	Hughes	Merriam	Purfeerst	Vega
Bertram	Humphrey	Moe, R. D.	Schmitz	Waldorf
Brataas	Knoll	Nelson	Sikorski	Wegener
Chmielewski	Knutson	Olhoft	Solon	Willet
Dahl	Kroening	Pehler	Spear	
Davies	Langseth	Peterson, C. C.	Stern	
Davis	Lantry	Peterson, R. W.	Stokowski	

Those who voted in the negative were:



Berg  
Bernhagen  
Frederickson

Kamrath  
Lindgren  
Menning

Peterson, D.L.  
Ramstad

Renneke  
Rued

Sieloff  
Taylor

The decision of the Chair was sustained.

Mr. Sieloff moved to amend S.F. No. 303 as follows:

Page 1, line 18, after the period, insert "*No person shall be permitted to bet more than \$10 on any horse race.*"

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

Mr. Sieloff then moved to amend S.F. No. 303 as follows:

Page 1, line 18, after the period, insert "*No portion of the net proceeds inuring to the state shall be used for advertising or promotion in a manner having the purpose or effect of inducing minors to bet.*"

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 49 and nays 12, as follows:

Those who voted in the affirmative were:

Bang  
Benson  
Berg  
Bernhagen  
Bertram  
Brataas  
Chmielewski  
Dahl  
Davies  
Davis

Dieterich  
Engler  
Frank  
Frederick  
Frederickson  
Hughes  
Kamrath  
Knutson  
Kroening  
Langseth

Lessard  
Lindgren  
Luther  
Menning  
Merriam  
Moe, D. M.  
Moe, R. D.  
Nelson  
Olhoft  
Pehler

Penny  
Peterson, C.C.  
Peterson, D.L.  
Peterson, R.W.  
Petty  
Pillsbury  
Ramstad  
Renneke  
Rued  
Schmitz

Sieloff  
Sikorski  
Spear  
Stern  
Stumpf  
Taylor  
Tennessee  
Ulland  
Wegener

Those who voted in the negative were:

Ashbach  
Belanger  
Dicklich

Humphrey  
Knoll  
Kronebusch

Lantry  
Purfeerst

Stokowski  
Vega

Waldorf  
Willet

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 303 as follows:

Page 1, line 18, after the period, insert "*No parimutuel betting or lottery shall be conducted or permitted in any county or city unless first approved by the governing body of the city or county.*"

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

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



Those who voted in the affirmative were:

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

Mr. Knoll and Mrs. Lantry voted in the negative.

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby the third Sieloff amendment to S.F. No. 303 was adopted on March 10, 1982, be now reconsidered. The motion prevailed.

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Mr. Olhoft moved to amend S. F. No. 303 as follows:

Page 1, line 18, after the period, insert "*No betting shall be allowed by law except betting in person at the track.*"

Amend the title as follows:

Page 1, line 3, after "authorizing" insert "at the track"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S.F. No. 303 as follows:

Page 1, line 18, after the period, insert "*No minor shall be allowed to make or receive bets or buy lottery tickets.*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 303 as follows:



Page 1, line 18, after the period, insert "*The full faith and credit of the state of Minnesota and any of its political subdivisions, agencies and instrumentalities shall not be pledged for the construction, acquisition, maintenance or renovation or operation of any facilities used for gambling or horse racing.*"

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 47 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Knutson	Penny	Stokowski
Bang	Davis	Kroening	Peterson, D.L.	Stumpf
Belanger	Dieterich	Langseth	Peterson, R.W.	Taylor
Benson	Engler	Lessard	Pillsbury	Tennessee
Berg	Frank	Lindgren	Purfeerst	Ulland
Bernhagen	Frederick	Luther	Ramstad	Waldorf
Bertram	Frederickson	Menning	Renneke	Willet
Brataas	Hughes	Merriam	Sieloff	
Chmielewski	Humphrey	Moe, D. M.	Solon	
Dahl	Kamrath	Olhoft	Spear	

Those who voted in the negative were:

Knoll	Lantry	Pehler	Petty	Stern
Kronebusch	Moe, R. D.	Peterson, C.C.	Rued	Vega

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend S.F. No. 303 as follows:

Page 1, line 18, after the period, insert "*The legislature shall not authorize by franchise or otherwise any person, other than a governmental agency to conduct or supervise a lottery.*"

The question was taken on the adoption of the amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 19 and nays 37, as follows:

Those who voted in the affirmative were:

Bernhagen	Engler	Kamrath	Olhoft	Rued
Brataas	Frank	Luther	Penny	Sieloff
Chmielewski	Frederick	Menning	Peterson, D.L.	Tennessee
Dahl	Hughes	Merriam	Renneke	

Those who voted in the negative were:

Bang	Humphrey	Moe, R. D.	Ramstad	Ulland
Belanger	Knoll	Nelson	Schmitz	Vega
Benson	Knutson	Pehler	Sikorski	Waldorf
Bertram	Kroening	Peterson, C.C.	Solon	Wegener
Davies	Kronebusch	Peterson, R.W.	Spear	Willet
Dicklich	Lantry	Petty	Stern	
Dieterich	Lessard	Pillsbury	Stokowski	
Frederickson	Lindgren	Purfeerst	Taylor	

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



S.F. No. 303: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, by adding a section to authorize at the track parimutuel betting on races if authorized by law; proposing an amendment to the Minnesota Constitution by repealing Article XIII, Section 5, the prohibition against lotteries.

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 34 and nays 31, as follows:

Those who voted in the affirmative were:

Bang	Frederickson	Lessard	Purfeerst	Stern
Belanger	Hughes	Moe, R. D.	Ramstad	Stokowski
Benson	Humphrey	Nelson	Rued	Stumpf
Bertram	Knoll	Pehler	Schmitz	Ulland
Davis	Kroening	Peterson, C.C.	Setzepfandt	Vega
Dicklich	Kronebusch	Peterson, D.L.	Sikorski	Willet
Frank	Lantry	Petty	Solon	

Those who voted in the negative were:

Ashbach	Davies	Langseth	Penny	Tennessen
Berg	Dieterich	Lindgren	Peterson, R.W.	Waldorf
Berglin	Engler	Luther	Pillsbury	Wegener
Bernhagen	Frederick	Menning	Renneke	
Brataas	Johnson	Merriam	Sieloff	
Chmielewski	Kamrath	Moe, D. M.	Spear	
Dahl	Knutson	Olhoft	Taylor	

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

### SPECIAL ORDER

H.F. No. 1484: A bill for an act relating to highway traffic regulations; providing for administrative driving privilege revocations for failure to submit to chemical testing or exceeding prescribed alcohol concentration; authorizing revocations prior to judicial review; revising the procedure for hearings and appeals on administrative revocations; authorizing introduction into evidence certain peace officer records and reports; amending Minnesota Statutes 1980, Section 169.123, Subdivisions 5, 5a, 6, 7, and by adding subdivisions; and 171.19.

Mr. Ulland moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1980, Section 169.121, Subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] ~~Every~~ A person ~~convicted of a violation of who violates~~ this section or an ordinance in conformity therewith is punishable by imprisonment of not more than 90 days, or by a fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section or an ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, shall be punished by imprisonment for not more



than 90 days, or by fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 90 days guilty of a misdemeanor.

Any person whose license has been revoked pursuant to section 169.123 is not subject to the mandatory revocation provision of this subdivision.

*The following persons are guilty of a gross misdemeanor:*

(a) A person who violates this section or an ordinance in conformity therewith within five years of a prior conviction under this section or an ordinance in conformity therewith; and

(b) A person who violates this section or an ordinance in conformity therewith within ten years of two or more prior convictions under this section or an ordinance in conformity therewith.

The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of section 169.121 shall also be responsible for prosecution of gross misdemeanor violations of section 169.121.

Sec. 4. Minnesota Statutes 1980, Section 169.121, Subdivision 4, is amended to read:

Subd. 4. ~~Every~~ A person who is convicted of a violation of violating this section or an ordinance in conformity therewith within three years of any previous such conviction shall be punished by imprisonment for not more than 90 days, or a fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 90 days shall have his driver's license or operating privileges revoked by the commissioner of public safety as follows:

(a) First offense: not less than 30 days;

(b) Second offense in less than five years: not less than 90 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169.126;

(c) Third offense in less than five years: not less than one year, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner;

(d) Fourth or subsequent offense on the record: not less than two years, together with denial under section 171.04, clause (8), until rehabilitation is established in accordance with standards established by the commissioner.

Whenever department records show that the violation involved personal injury or death to any person, not less than 90 additional days shall be added to the base periods provided above.

Any person whose license has been revoked pursuant to section 169.123 as the result of the same incident is not subject to the mandatory revocation provisions of clause (a) or (b)."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "prescribing penalties;"

Page 1, line 14, after "2," insert "3, 4,"



The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend H. F. No. 1484, the unofficial engrossment, as follows:

Page 5, after line 25, insert:

"Subd. 2a. [REQUIREMENT OF URINE TEST.] Notwithstanding subdivision 2, if there are reasonable and probable grounds to believe there is impairment by a controlled substance which is not subject to testing by a blood or breath test, a urine test may be required even after a blood or breath test has been administered."

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 14, after line 10, insert:

"Sec. 7. Minnesota Statutes 1980, Section 171.30, Subdivision 1, is amended to read:

Subdivision 1. In any case where a person's license has been suspended under section 171.18 or revoked under sections 169.121 or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at his own discretion ~~and shall upon recommendation by the court excluding justices of the peace in which the driver was convicted,~~ issue a limited license to the driver. The commissioner in issuing a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in his possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after "171.19;" insert "171.30, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Davies then moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 3, line 31, delete "*the person refuses a*"

Page 3, line 32, delete "*preliminary screening test or*"

Page 3, line 36, delete "*refusal or*"



Page 4, line 5, delete "*suspend*" and insert "*deny*"

Page 5, line 5, after the first "*test*" insert "*, if offered,*"

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Pages 3 and 4, delete section 4

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 4, delete everything after the first semicolon

Page 1, line 14, delete "*, and by adding a subdivision*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 4 and nays 48, as follows:

Messrs. Hughes, Solon, Stumpf and Wegener voted in the affirmative.

Those who voted in the negative were:

Ashbach	Davies	Kronebusch	Olhoft	Spear
Bang	Dicklich	Langseth	Pehler	Stern
Belanger	Dieterich	Lantry	Peterson, D.L.	Stokowski
Benson	Engler	Lindgren	Peterson, R.W.	Tennessen
Berglin	Frank	Luther	Petty	Ulland
Bernhagen	Frederick	Menning	Pillsbury	Vega
Bertram	Humphrey	Merriam	Ramstad	Waldorf
Brataas	Kamrath	Moe, D. M.	Renneke	Willet
Chmielewski	Knutson	Moe, R. D.	Rued	
Dahl	Kroening	Nelson	Sikorski	

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

Ms. Berglin moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 14, after line 10, insert:

"Sec. 7. Minnesota Statutes 1981 Supplement, Section 609.101, is amended to read:

609.101 [SURCHARGE ON FINES, ASSESSMENTS.]

*Subdivision 1. [CRIMINAL OFFENSES.]* When a court sentences fines a person convicted of a felony, gross misdemeanor, ~~or~~ misdemeanor, ~~or petty misdemeanor~~, other than a traffic or parking violation, ~~and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$20 nor more than \$40. If the sentence includes payment of a fine, the court shall impose a surcharge on the fine of ten percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended. The court may, upon a showing of indigency or undue hardship upon the convicted person or his immediate family, waive payment or authorize payment of the assessment or surcharge in installments.~~

The clerk of court shall collect and forward the amount of the assessment ~~or~~



surcharge to the county auditor with designation of its origin as a surcharge, with the same frequency as fines are transmitted. The county auditor shall then transmit the surcharges to the state treasurer to be deposited in the general fund for the purposes of providing services, assistance, or reparations or a combination, to victims of crimes through programs established under sections 241.51 to 241.66, ~~under chapter 256D~~ 256D.05, subdivision 3, and chapter 299B. If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the ~~assessment or~~ surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the state treasurer. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section. *The clerk of the sentencing court shall not be responsible for collecting surcharges from inmates of state correctional facilities.*

*Subd. 2. [INTOXICATED DRIVING; IMPLIED CONSENT.] When a court sentences a person convicted of violating the provisions of section 169.121 or 169.123, the court shall impose a surcharge of \$50 for a conviction under either section. The surcharge shall be mandatory and shall be in addition to any other fine allowed by law whether the fine is levied or not. The surcharge provided for in this section shall be made even if the sentence for the conviction is stayed. Upon a showing of indigency or undue hardship upon the convicted person, the court may waive payment or authorize payment of the surcharge in installments.*

*The surcharge shall be collected and transmitted in the manner provided in subdivision 1 except that it shall be transmitted to the appropriate officer of the appointing authority of the peace officer who made the arrest.*

Sec. 8. Minnesota Statutes 1981 Supplement, Section 626.861, Subdivision 1, is amended to read:

626.861 [LEVY AND COLLECTION OF PENALTY ASSESSMENTS.]

Subdivision 1. [LEVY OF ASSESSMENT.] There is levied a penalty assessment of ten percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment. *No penalty assessment shall be imposed under this section if a surcharge is imposed under section 609.101."*



Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for a surcharge on fines;"

Page 1, line 15, before "and" insert "609.101; 626.861, Subdivision 1;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 30, as follows:

Those who voted in the affirmative were:

Benson	Hughes	Langseth	Pillsbury	Taylor
Berglin	Humphrey	Luther	Ramstad	Ulland
Dahl	Kamrath	Nelson	Renneke	Waldorf
Dicklich	Knoll	Peterson, C.C.	Sikorski	Wegener
Frank	Kroening	Peterson, D.L.	Spear	
Frederickson	Kronebusch	Petty	Stokowski	

Those who voted in the negative were:

Ashbach	Chmielewski	Knutson	Olhoft	Schmitz
Belanger	Davies	Lantry	Pehler	Solon
Berg	Davis	Lessard	Penny	Stumpf
Bernhagen	Dieterich	Lindgren	Peterson, R.W.	Tennessen
Bertram	Engler	Menning	Purfeerst	Vega
Brataas	Frederick	Merriam	Rued	Willet

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

Mr. Ramstad moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 13, after line 18, insert:

"Sec. 6. [169.1231] [DRIVING WHILE UNDER THE INFLUENCE; DETOXIFICATION.]

*Subdivision 1. [GROUNDS FOR TAKING DRIVER TO DETOXIFICATION CENTER.] Whenever a peace officer administers a preliminary screening test to a person and the test results indicate a blood alcohol content of .10 or more, the peace officer shall either take the person to a detoxification center established pursuant to section 254A.08 or arrange for another authorized person to do so. A peace officer shall also take, or arrange for another authorized person to take to a detoxification center established pursuant to section 254A.08, any person who refuses to take a preliminary screening test if the officer has reasonable and probable grounds to believe that the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith, and the person reasonably appears to the officer to be too intoxicated to resume driving safely.*

*Subd. 2. [DETOXIFICATION CENTER; RELEASE PROCEDURE.] The detoxification center to which a person is transported pursuant to subdivision 1 shall hold the person until he is completely sober, unless another responsible person appears and requests that the intoxicated person be released for the purpose of taking him home or to a medical facility. The person requesting release of the intoxicated person shall assure that the intoxicated person does not drive until completely sober; an intentional violation of this assurance is a*



*misdemeanor.*

*Subd. 3. [INTOXICATED PERSON TO PAY COSTS.] A person taken to a detoxification center pursuant to this section shall pay the detoxification center for the cost of his stay, transportation, treatment, and other expenses in the detoxification center, if he does not meet the standards of indigency necessary to qualify for the services of the public defender and does not have health insurance coverage which would pay for this cost."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for detoxification of drivers;"

Page 1, line 15, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 169"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Frank	Lessard	Peterson, D.L.	Stokowski
Belanger	Frederickson	Lindgren	Pillsbury	Taylor
Benson	Hughes	Luther	Ramstad	Ulland
Berg	Humphrey	Menning	Renneke	Vega
Bernhagen	Kamrath	Olhoft	Rued	Waldorf
Chmielewski	Kroening	Penny	Schmitz	Wegener
Dahl	Kronebusch	Peterson, C.C.	Sikorski	Willet

Those who voted in the negative were:

Bang	Davis	Knutson	Nelson	Spear
Bertram	Dieterich	Lantry	Peterson, R.W.	Stumpf
Brataas	Frederick	Merriam	Petty	Tennessen
Davies				

The motion prevailed. So the amendment was adopted.

## RECONSIDERATION

Having voted on the prevailing side, Mr. Wegener moved that the vote whereby the Ramstad amendment to H.F. No. 1484 was adopted on March 10, 1982, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 35 and nays 22, as follows:

Those who voted in the affirmative were:

Bang	Frank	Luther	Peterson, R.W.	Stokowski
Berg	Hughes	Merriam	Petty	Stumpf
Bertram	Humphrey	Moe, D. M.	Renneke	Tennessen
Dahl	Knoll	Moe, R. D.	Schmitz	Ulland
Davies	Langseth	Nelson	Sikorski	Waldorf
Davis	Lantry	Olhoft	Spear	Wegener
Dieterich	Lessard	Pehler	Stern	Willet

Those who voted in the negative were:



Ashbach	Chmielewski	Kroening	Peterson, C.C.	Taylor
Belanger	Engler	Kronebusch	Peterson, D.L.	Vega
Benson	Frederickson	Lindgren	Pillsbury	
Bernhagen	Kamrath	Menning	Ramstad	
Brataas	Knutson	Penny	Rued	

The motion prevailed.

The question recurred on the Ramstad amendment.

Mr. Ramstad withdrew his amendment.

Mr. Ramstad then moved to amend H. F. No. 1484, the unofficial engrossment, as follows:

Page 13, after line 18, insert:

“Sec. 6. [169.1231] [DRIVING WHILE UNDER THE INFLUENCE; DETOXIFICATION.]

*Subdivision 1. [GROUNDS FOR TAKING DRIVER TO DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER.] Whenever a peace officer administers a preliminary screening test to a person and the test results indicate a blood alcohol content of .10 or more, the peace officer shall either take the person to a detoxification center or alcohol drug rehabilitation center established pursuant to section 254A.08 or arrange for another authorized person to do so. A peace officer shall also take, or arrange for another authorized person to take to a detoxification center or alcohol drug rehabilitation center established pursuant to section 254A.08, any person who refuses to take a preliminary screening test if the officer has reasonable and probable grounds to believe that the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith, and the person reasonably appears to the officer to be too intoxicated to resume driving safely.*

*Subd. 2. [DETOXIFICATION CENTER OR ALCOHOL DRUG REHABILITATION CENTER; RELEASE PROCEDURE.] The detoxification center or alcohol drug rehabilitation center to which a person is transported pursuant to subdivision 1 shall hold the person until he is completely sober, unless another responsible person appears and requests that the intoxicated person be released for the purpose of taking him home or to a medical facility. The person requesting release of the intoxicated person shall assure that the intoxicated person does not drive until completely sober; an intentional violation of this assurance is a misdemeanor.*

*Subd. 3. [INTOXICATED PERSON TO PAY COSTS.] A person taken to a detoxification center or alcohol drug rehabilitation center pursuant to this section shall pay the detoxification center or alcohol drug rehabilitation center for the cost of his stay, transportation, treatment, and other expenses in the detoxification center or alcohol drug rehabilitation center, if he does not meet the standards of indigency necessary to qualify for the services of the public defender and does not have health insurance coverage which would pay for this cost.”*

Renumber the sections in sequence

Amend the title as follows:



Page 1, line 12, after the semicolon, insert "providing for detoxification of drivers;"

Page 1, line 15, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 169"

Mr. Davies moved to amend the Ramstad amendment as follows:

Page 2, after line 5, insert:

*"Subd. 4. This section is effective July 1, 1983."*

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Ramstad amendment, as amended.

The roll was called, and there were yeas 39 and nays 21, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Knoll	Pehler	Schmitz
Belanger	Engler	Kroening	Penny	Sikorski
Benson	Frank	Kronebusch	Peterson, C. C.	Stern
Berg	Frederickson	Langseth	Peterson, D. L.	Stokowski
Bernhagen	Hanson	Lindgren	Pillsbury	Taylor
Chmielewski	Hughes	Luther	Ramstad	Vega
Dahl	Humphrey	Menning	Renneke	Willet
Davis	Kamrath	Olhoft	Rued	

Those who voted in the negative were:

Bang	Dicklich	Merriam	Spear	Wegener
Berglin	Frederick	Moe, D. M.	Stumpf	
Bertram	Knutson	Nelson	Tennessee	
Brataas	Lantry	Peterson, R. W.	Ulland	
Davies	Lessard	Petty	Waldorf	

The motion prevailed. So the Ramstad amendment, as amended, was adopted.

Mr. Menning moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1980, Section 169.121, is amended by adding a subdivision to read:

*Subd. 3a. [REDUCTION OR DISMISSAL OF CHARGE.] When a charge of violating subdivision 1 is dismissed by the court, the court shall state on the record its reasons for the dismissal. The court shall also state on the record whether the dismissal was requested or concurred in by the prosecutor.*

*When the prosecutor makes a motion for dismissal of a charge of violating subdivision 1 or for a substitution of another charge for the charge of violation of subdivision 1, the prosecutor shall submit to the court a written statement giving the reasons for the motion. Appropriate reasons include, but are not limited to, problems of proof, the interests of justice, or specific facts or legal authority showing that another offense would be more properly charged. If the reasons stated include the "interests of justice," the written statement shall state the facts or legal authority upon which this conclusion is based. This written statement shall become part of the court record, but the statement shall*



*not be admissible as substantive evidence in any trial upon any charge arising from the behavioral incident upon which the alleged violation of subdivision 1 was based."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for reporting on dismissals;"

Page 1, line 14, delete "a subdivision" and insert "subdivisions"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Engler	Lindgren	Peterson, C.C.	Rued
Benson	Frederickson	Luther	Peterson, D.L.	Schmitz
Bernhagen	Kamrath	Menning	Pillsbury	Sikorski
Chmielewski	Kronebusch	Olhoft	Ramstad	Stokowski
Dieterich	Lantry	Penny	Renneke	Taylor

Those who voted in the negative were:

Ashbach	Dicklich	Kroening	Petty	Vega
Bang	Frank	Langseth	Solon	Waldorf
Berglin	Frederick	Lessard	Spear	Wegener
Bertram	Hanson	Merriam	Stern	
Brataas	Humphrey	Moe, D. M.	Stumpf	
Davies	Knoll	Pehler	Tennessee	
Davis	Knutson	Peterson, R. W.	Ulland	

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

Mr. Peterson, C.C. moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 13, after line 18, insert:

"Sec. 6. [169.1211] [FORFEITURE OF MOTOR VEHICLE; DRIVING WHILE UNDER INFLUENCE.]

*Subdivision 1. [CONDITIONS OF FORFEITURE.] A motor vehicle is subject to forfeiture as provided in this section:*

*(a) if its owner is convicted of a second violation of section 169.121, subdivision 1 or an ordinance in conformity with that section and subdivision; and*

*(b) if the motor vehicle was used in committing that violation.*

*Subd. 2. [CONDITIONS OF SEIZURE.] The commissioner may seize the motor vehicle when process is issued by any court that has jurisdiction over the motor vehicle.*

*Subd. 3. [COMPLAINT AGAINST VEHICLE.] (a) The prosecuting authority shall file a separate complaint against the motor vehicle, describing it, charging its use in the violation, and telling when and where it was unlawfully used.*

*(b) A copy of the complaint must be served on the person charged with the violation or on the person in charge of the motor vehicle at the time of seizure,*



*if there is any person in charge.*

*(c) If the person charged with a second violation of section 169.121, subdivision 1 is not convicted of the offense, the court shall dismiss the complaint against the motor vehicle and order the vehicle returned to the person legally entitled to it.*

*Subd. 4. [FORFEITURE PROCEDURE.] If the person charged with the violation is convicted, the court shall issue an order directed to persons who are known or believed to have a right to, title to, interest in, or lien on the motor vehicle. The order must describe the vehicle. The order must state that the vehicle was seized and that a complaint against the vehicle, charging the violation, has been filed with the court. The order must require the persons to whom it is addressed to file answers to the complaint with the clerk of court. It must tell them that their answers are to set forth their claims to any right to, title to, interest in, or lien on the vehicle and are to be filed within ten days after the order has been served. The order must notify them that if they fail to file answers that set forth those claims within that time, the court will order the commissioner or his agents to sell the vehicle.*

*The court shall have the order served as a summons in a civil action is served: it must be served in person on persons known or believed to have right, title, interest, or lien, and served on unknown persons by publication.*

*If no answer is filed according to this subdivision, and if the clerk of court files an affidavit that states that no answer has been filed, the court shall order the commissioner or his agents to sell the vehicle. The commissioner shall deduct from the proceeds of the sale the expense of keeping the vehicle, the fee for seizure, and the costs of sale. The commissioner shall pay the remaining proceeds into the state treasury. They are to be used for chemical dependency programs as provided in subdivision 9.*

*Subd. 5. [BOND.] At any time after the motor vehicle has been seized and before the hearing provided for in subdivision 6, the seized motor vehicle must be returned to the owner or person who has a legal right to possess it if that person executes a bond, with corporate surety, to the state of Minnesota, and if the bond meets these conditions:*

*(a) The amount of the bond must be at least \$100 and not more than double the value of the vehicle seized.*

*(b) The bond must be approved by the court in which the case is triable or by a judge of that court.*

*(c) The bond must state that the person executing it will wait for and obey the court's order and judgement and will pay the full value of the vehicle at the time of seizure.*

*Subd. 6. [HEARING.] If an answer is filed according to subdivision 4, the court shall fix a time for hearing. The time must not be less than 10 days or more than 30 days after the time for filing answer expires. At the time fixed for hearing, unless the matter is continued for cause, it must be heard and determined by the court without a jury as in other civil actions. If the court finds that the motor vehicle was used in the violation of section 169.121, subdivision 1, it shall order the vehicle sold according to this section, unless the owner shows to the satisfaction of the court that he or she had no notice or knowledge or reason*



to believe that the vehicle was used or was intended to be used in such a violation.

*Subd. 7. [SALE.] When the commissioner sells a vehicle, he or she shall deduct from the proceeds of the sale the expense of keeping the vehicle, the fee for seizure, and the costs of the sale. The commissioner shall also pay all liens according to their priority if it has been established at the hearing that the liens are bona fide and that the lienors had no notice or knowledge that the motor vehicle was used in violation of section 169.121, subdivision 1. The commissioner shall pay the remainder of the proceeds into the state treasury. They are to be used for chemical dependency programs as provided in subdivision 9.*

*Subd. 8. [APPEAL.] A sale under this section frees the vehicle sold from any liens on it. If a person wants to appeal the district court's order that the vehicle be sold, that person must appeal to the supreme court as in other civil cases.*

*Subd. 9. [APPROPRIATION OF PROCEEDS.] The commissioner shall deposit all proceeds of forfeiture sales under this section in a special revenue bookkeeping account in the state treasury. Funds deposited are appropriated to the department of public welfare for use in funding chemical dependency programs."*

Renumber the sections in sequence and correct any internal references

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing that motor vehicles of persons convicted of a second violation of driving under the influence of alcohol or a controlled substance are subject to forfeiture; appropriating money;"

Page 1, line 15, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 169."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Kronebusch	Peterson, C.C.	Sikorski
Benson	Frederickson	Lantry	Peterson, D.L.	Solon
Berg	Hughes	Lindgren	Ramstad	Taylor
Bernhagen	Kamrath	Luther	Renneke	Wegener
Chmielewski	Knoll	Olhoft	Rued	Willet
Dahl	Knutson	Penny	Schmitz	

Those who voted in the negative were:

Ashbach	Dicklich	Kroening	Pehler	Stumpf
Bang	Dieterich	Langseth	Peterson, R.W.	Tennessen
Berglin	Engler	Lessard	Petty	Ulland
Bertram	Frederick	Menning	Pillsbury	Vega
Brataas	Hanson	Merriam	Setzepfandt	Waldorf
Davies	Humphrey	Moe, D. M.	Spear	
Davis	Johnson	Moe, R. D.	Stokowski	

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

Mr. Stern offered the following and moved that it be printed in the Journal:

During the vote on the Peterson, C.C. amendment to H.F. No. 1484, the



voting machine did not record my vote. Had the machine been working, I would have been recorded as voting yea.

The motion prevailed.

### CALL OF THE SENATE

Mr. Menning imposed a call of the Senate for the balance of the proceedings on H.F. No. 1484. The Sergeant at Arms was instructed to bring in the absent members.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Menning moved that the vote whereby the Peterson, C.C. amendment to H.F. No. 1484 was not adopted on March 10, 1982, be now reconsidered. The motion did not prevail.

Mr. Dahl moved to amend H.F. No. 1484, the unofficial engrossment, as follows:

Page 4, line 19, strike "IMPLIED" and insert "EXPRESS"

Page 4, line 34, strike everything after "death"

Page 4, strike lines 35 and 36

Page 5, lines 1 to 21, strike the old language

Page 5, line 5, delete "an alternative"

Page 5, line 22, strike "choosing"

Page 5, after line 25, insert:

*"No action may be taken against the person for declining to take a test unless an alternative test was offered and also refused.*

*Subd. 3. [STATEMENT TO BE SIGNED AS CONDITION TO ISSUANCE OR RENEWAL OF DRIVER'S LICENSE.] (a) As a condition precedent to the issuance or renewal of any driver's license, subsequent to September 1, 1982, the commissioner of public safety shall require the applicant to sign a certification containing the following language:*

*"I consent to take the chemical test offered to me, subject to the provisions of this section and section 169.121, for the purpose of determining the presence of alcohol or a controlled substance should I be lawfully placed under arrest for driving, operating or being in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith, within 30 minutes of being lawfully placed under arrest. I understand that I cannot be compelled to take a chemical test. However, I consent to take a test in return for the privilege of driving a motor vehicle on the highways of Minnesota. I further understand that:*

*(1) I have the right to consult with a lawyer prior to signing this consent;*

*(2) if I refuse to submit to both the test required of me and an alternative test offered to me, my privilege to drive will be revoked for a period of not less than six months;*

*(3) if the results of the test indicate that I was under the influence of alcohol*



*or a controlled substance, my privilege to drive a motor vehicle may be revoked for a period of not less than 90 days and I will be subject to a criminal charge for the violation of section 169.121;*

*(4) I have the right to a hearing before a municipal or county judge to determine the validity of the revocation of my driver's license, provided that I make a request, in writing, for the hearing within 30 days of notification of revocation."*

*(b) the commissioner may not issue or renew any driver's license if the applicant refuses to sign an application containing the express consent to take a chemical test to determine the alcoholic content of his blood.*

*Subd. 4. [IMPLIED CONSENT OF NONRESIDENT, PRIOR LICENSED, AND UNLICENSED PERSONS; CONDITION.] (a) Any person who has not granted the express consent required by subdivision 3 who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath or urine for the purpose of determining the presence of alcohol or a controlled substance. The test may be required of a person lawfully placed under arrest for driving, operating or being in physical control of a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith.*

*(b) At the time a chemical test specimen is requested, the person shall be informed that:*

*(1) he is required to take the chemical test the peace officer instructs him to take;*

*(2) he has a right to consult with an attorney, but this right is limited to the extent that it cannot delay administration of the test for more than one-half hour or the test will be deemed to have been refused.*

*The person shall also be given the information set forth in subdivision 3, clauses (a)(2) to (a)(4).*

*The department of motor vehicles shall include the statement "I consent to take a chemical test if I'm suspected of driving while intoxicated" and a non-evidentiary average body weight:drink graph on the back of the driver's license."*

Renumber the subdivisions in sequence

Page 11, line 18, strike "at the time of the request for the test" and insert "the person has granted the express consent required by subdivision 3, clause (a), and if not, whether"

Page 11, line 21, strike "2" and insert "4, clause (b)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 31, as follows:

Those who voted in the affirmative were:

Berg	Davis	Langseth	Penny	Rued
Berglin	Engler	Lindgren	Peterson, C.C.	Sikorski
Bernhagen	Frank	Luther	Peterson, D.L.	Taylor
Bertram	Frederickson	Menning	Pillsbury	Willet
Chmielewski	Humphrey	Olhoft	Ramstad	
Dahl	Kamrath	Pehler	Renneke	

Those who voted in the negative were:



Ashbach	Frederick	Kronebusch	Setzepfandt	Vega
Bang	Hanson	Lantry	Solon	Waldorf
Benson	Hughes	Lessard	Spear	Wegener
Brataas	Johnson	Merriam	Stokowski	
Davies	Knoll	Moe, R. D.	Stumpf	
Dicklich	Knutson	Petty	Tennessee	
Dieterich	Kroening	Schmitz	Ulland	

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

H.F. No. 1484 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S.F. No. 1965: A bill for an act relating to the environment; amending various provisions of the waste management act; authorizing the commissioner of administration to acquire certain development rights; defining terms for purposes of the resource recovery program; prohibiting the waste management board from certifying the use of facilities for disposal of radioactive waste; stating various policies and requirements relating to solid and hazardous waste plans and facility permits; prescribing standards, procedures, approvals, and supervision relating to designations of resource recovery facilities; requiring the board to place its highest priority on alternatives to land disposal of hazardous waste; amending Minnesota Statutes 1980, Sections 115A.08, by adding a subdivision; 115A.15, Subdivisions 2, 6, and by adding a subdivision; 115A.25, by adding a subdivision; 115A.42; 115A.46; 115A.57, Subdivision 1; 115A.59; 115A.62; 115A.69, Subdivision 10; 115A.70, Subdivisions 1, 2, and 3; 116.07, Subdivision 4b; 400.16; 400.162; 473.149, Subdivision 1; 473.802; 473.803, Subdivision 1, and by adding a subdivision; 473.811, Subdivision 7, and by adding a subdivision; 473.823, Subdivision 3; 473.827, Subdivision 1, and by adding a subdivision; 473.831, Subdivision 2; Minnesota Statutes 1981 Supplement, Sections 115A.06, Subdivisions 4 and 13; 115A.11, Subdivision 1; 115A.21, Subdivision 3; 115A.24, Subdivision 1, and by adding a subdivision; and 473.831, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 115A; repealing Minnesota Statutes 1980, Section 473.827, Subdivisions 2, 3, 4, 5, and 6.



Mr. Merriam moved to amend S.F. No. 1965 as follows:

Page 20, line 31, delete "*Commencing*".

Page 20, line 32, delete everything before the comma and insert "*After the certifications required by subdivision 2*".

Page 20, line 34, after "*to*" insert "*4 and*".

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend S.F. No. 1965 as follows:

Page 32, after line 16, insert:

"Sec. 36. [ST. CLOUD SOLID WASTE STUDY.]

*The commissioner of energy, planning and development shall conduct or contract with appropriate consultants for the conduct of a study of the design, development, feasibility, and cost aspects of the use of solid wastes generated in the St. Cloud area to provide supplemental heating and electrical energy at the Minnesota correctional facility - St. Cloud. The commissioner shall report the results of the study together with his recommendations thereon to the legislature as soon as practicable after completion of the study, but in no event later than January 1, 1983.*

*No money may be spent by the commissioner under this section unless one-half of the amount to be spent to conduct or contract for the study has been provided to the commissioner by gift from private persons interested in the study. The commissioner shall consult with those persons concerning the selection of any consultant under this section.*

Sec. 37. [APPROPRIATION.]

*\$25,000 of the amount appropriated by Laws 1981, Chapter 334, Section 11, Subdivision 1, from the state building fund is cancelled and reappropriated to the commissioner of energy, planning and development for the purpose of conducting or contracting for the study directed by section 36. None of the money appropriated in this section shall be spent unless the legislative commission on waste management approves a work program of the department showing that the conditions prescribed in section 36 have been met and showing the scope of the proposed activities of the department in carrying out section 36."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, after the semicolon, insert "*directing a study of solid waste utilization in the St. Cloud area; appropriating money;*"

The motion prevailed. So the amendment was adopted.

S.F. No. 1965 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 58 and nays 2, as follows:

Those who voted in the affirmative were:



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

Messrs. Bertram and Renneke voted in the negative.

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

### SPECIAL ORDER

H.F. No. 1668: A bill for an act relating to manufactured homes; requiring manufacturers and dealers of manufactured homes to be licensed and regulated by the commissioner of administration; providing for the rights and duties of owners and residents of manufactured home parks; making certain changes in the procedure for titling manufactured homes; requiring park owners to adopt storm safety plans for the protection of residents; empowering municipalities to enforce certain ordinances within manufactured home parks and recreational camping areas; clarifying the procedures to be used in the repossession of a manufactured home; clarifying certain language; prohibiting certain practices; imposing fees and penalties; providing remedies; defining terms; proposing new law coded in Minnesota Statutes, Chapter 168A; proposing new law coded as Minnesota Statutes, Chapters 327B and 327C; amending Minnesota Statutes 1980, Sections 168A.02, Subdivision 3; 327.14; 327.16, Subdivision 2; 327.20, Subdivision 1; 327.24, by adding a subdivision; 327.26; 327.27, Subdivision 2, and by adding a subdivision; 327.62, Subdivision 2; 327.63; 327.65; 327.66; 363.02, by adding a subdivision; and 566.18, Subdivisions 2, 7, and 8; repealing Minnesota Statutes 1980, Sections 327.41; 327.42; 327.43; 327.45; 327.451; 327.452; 327.46; 327.47; 327.51; 327.52; 327.53; 327.54; 327.55; 327.551; 327.552; 327.553, Subdivisions 2, 3 and 4; 327.554; 327.56; and Minnesota Statutes 1981 Supplement, Sections 327.44; 327.441; 327.55, Subdivision 1a; and 327.553, Subdivision 1.

Mr. Merriam moved to amend H. F. No. 1668, the unofficial engrossment, as follows:

Page 1, line 39, delete "13" and insert "12"

Page 2, delete lines 5 and 6

Page 2, line 7, delete "4" and insert "3"

Page 2, after line 25, insert:

"Subd. 4. [COMMISSIONER.] 'Commissioner' means the commissioner of administration."

Page 3, line 23, delete "therein" and insert "in it"

Page 4, line 20, delete "13" and insert "12"

Page 5, delete lines 8 and 9 and insert "Subd. 3. [LIMITATIONS VOID.]"



Page 5, line 11, before "*section*" insert "*this*"

Page 5, line 11, delete "2"

Page 5, line 26, delete "*It shall be the duty*"

Page 5, line 27, delete "*of*"

Page 5, line 27, delete "*to*" and insert "*shall*"

Page 6, lines 3 and 5, delete "*first having acquired*"

Page 7, line 15, delete "*and unless*"

Page 8, line 22, delete "13" and insert "12"

Page 8, line 23, delete "*7 to 10*" and insert "*6 to 9*"

Page 8, line 35, delete "11" and insert "10"

Page 9, lines 4, 17, and 30, delete "13" and insert "12"

Page 10, line 18, delete "4" and insert "3"

Page 10, line 20, delete "5" and insert "4"

Page 11, line 6, delete "11" and insert "10"

Page 11, line 26, delete "*cause to be served*" and insert "*serve*"

Page 11, line 28, delete "*before the commissioner or*"

Page 11, line 29, delete "*authorized deputy*" and insert "*at a specified time and place*"

Page 11, line 30, after the period, insert "*The hearing on the suspension or revocation shall be conducted pursuant to the contested case provisions of the administrative procedure act.*"

Page 11, delete lines 31 to 33

Page 11, line 34, delete "*chapter 15.*" and insert "*Upon the completion of the hearing,*"

Page 12, line 7, delete "5" and insert "4"

Page 12, line 11, delete "*he deems the action*"

Page 12, line 12, delete "*to be*" and delete "*in order*"

Page 12, delete lines 17 and 18

Page 12, line 19, delete "6" and insert "5"

Page 12, line 22, before "*or*" insert a comma

Page 12, line 23, after "*penalties*" insert "*of not more than \$10,000*"

Page 12, line 25, delete everything after "1"

Page 12, line 26, delete everything before the period

Page 12, delete lines 27 to 30

Page 12, line 35, delete "*such*" and delete "*as may*"

Page 12, line 36, delete "*be*"



- Page 13, line 7, delete "13" and insert "12"
- Page 14, line 1, after "received" insert "(1)"
- Page 14, line 3, delete everything after "transaction"
- Page 14, line 4, delete everything before "in" and insert " , or (2)"
- Page 14, line 22, delete everything before "not"
- Page 14, line 23, after the second "funds" insert "with the funds"
- Page 14, line 23, delete "that" and insert "a trust"
- Page 15, line 13, delete "13" and insert "12"
- Page 15, lines 19 and 28, delete "5" and insert "4"
- Page 16, line 12, delete "13" and insert "12"
- Page 16, line 16, delete "5" and insert "4"
- Page 17, lines 11, 14, 19, and 24, delete "13" and insert " 12"
- Page 17, line 14, delete "9 or 10" and insert "8 or 9"
- Page 17, line 16, before "8.31" insert "section"
- Page 17, line 34, delete "15" and insert "14"
- Page 18, line 1, delete "4 and 6 to 13" and insert "3 and 5 to 12"
- Renumber the sections and proposed coding in Article I in sequence
- Page 19, line 30, delete "documented by" and delete "rental"
- Page 19, line 34, after "specify" insert "the"
- Page 20, line 6, delete "mandatory"
- Page 20, line 36, after "adopted" insert "and which necessitate the rule change"
- Page 21, line 1, delete "may" and insert "will"
- Page 23, line 4, after "a" insert "reasonable"
- Page 24, line 26, delete the comma
- Page 26, line 23, after "2" insert a comma
- Page 31, line 36, delete the first "or" and insert a comma
- Page 31, line 36, after the second "or" insert "state"
- Page 32, line 1, after the comma insert "state"
- Page 32, line 1, after "or" insert "state"
- Page 33, line 21, delete "4" and insert "3"
- Page 33, lines 26 and 29, delete "7" and insert "6"
- Page 33, line 27, delete "2" and insert "1 or 3"
- Page 33, line 28, delete everything after "rent"
- Page 33, line 29, delete "by" and insert "in violation of"



Page 33, line 29, delete "3" and insert "2"

Page 34, delete lines 10 to 13

Page 34, line 19, after "writing" insert "*after service of the notice*"

Page 39, line 19, reinstate "'municipality'"

Page 39, line 21, delete "'Municipality'"

Page 40, line 21, delete "'Recreational camping area'"

Page 40, line 22, delete "does not"

Page 40, line 22, strike "include" and insert " "*Recreational camping area*" excludes"

Page 41, line 11, strike "and"

Page 42, line 4, delete "whose"

Page 42, line 4, strike "duty"

Page 42, line 5, delete "it" and insert "who"

Page 42, line 5, strike "be to"

Page 42, line 8, after "lots" insert a comma

Page 42, line 8, delete the first "or" and insert a comma

Page 42, line 33, strike "provided"

Page 42, line 33, before "the" insert "if"

Page 44, line 9, strike the comma

Page 44, line 10, strike "on or after January 1, 1952"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 1668, the unofficial engrossment, as follows:

Page 18, line 7, delete "17" and insert "16"

Page 18, delete lines 9 to 12

Renumber the remaining subdivisions

Page 20, line 17, delete "7" and insert "6"

Page 20, line 20, delete "9" and insert "8"

Page 20, line 34, delete "12" and insert "11"

Page 21, line 4, delete "9" and insert "8"

Page 22, line 5, delete "Unless you are renting a totally new lot,"

Page 22, line 24, delete "sections 4 and 5" and insert "section 4"

Page 24, line 16, delete "10" and insert "9"

Pages 24 and 25, delete section 4

Renumber and recode the remaining sections

Page 26, line 6, delete "9" and insert "8"



Page 26, line 25, delete "9" and insert "8"

Page 28, line 17, delete "9" and insert "8"

Page 33, line 35, delete "13" and insert "12"

Page 34, line 15, delete "10" and insert "9"

Page 34, line 31, delete "8" and insert "7"

Page 36, line 17, delete "15" and insert "14"

Page 36, line 31, delete "6" and insert "5"

Page 36, line 31, delete "8" and insert "7"

Page 37, line 32, delete "5 to 9, 11 to 16, and 21" and insert "4 to 8, 10 to 15, and 20"

Page 37, line 35, delete "4, 10, 17 to 20, and 21" and insert "9, 16 to 19, and 20"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1668, the unofficial engrossment, as follows:

Page 33, after line 16, insert:

*"If the planned cessation of operation is for the purpose of converting the part of the park occupied by the resident to a condominium pursuant to chapter 515A, the provisions of section 515A.4-110, except subsection (a), shall apply. The nine month notice required by this subdivision shall state that the cessation is for the purpose of conversion and shall set forth the rights conferred by this subdivision and section 515A.4-110(b). Not less than 120 days before the end of the nine month notice, the park owner shall serve upon the resident a form of purchase agreement setting forth the terms of sale contemplated by section 515A.4-110(b). Service of that form shall operate as the notice described by section 515A.4-110(a)."*

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1668, the unofficial engrossment, as follows:

Page 34, line 29, delete "(i)"

Page 34, line 31, delete "and (ii)"

Page 34, delete lines 32 and 33

Page 34, line 34, delete "utilities"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 1668, the unofficial engrossment, as follows:

Page 26, line 31, after "home" insert "if the limitation is reasonably related to the size of the home and the number of rooms it contains"

The motion prevailed. So the amendment was adopted.



H.F. No. 1668 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 48 and nays 15, as follows:

Those who voted in the affirmative were:

Ashbach	Frederickson	Luther	Peterson, R. W.	Stokowski
Berglin	Hanson	Merriam	Petty	Stumpf
Chmielewski	Hughes	Moe, D. M.	Pillsbury	Taylor
Dahl	Humphrey	Moe, R. D.	Ramstad	Tennesen
Davies	Johnson	Nelson	Schmitz	Ulland
Davis	Knoll	Olhoft	Setzepfandt	Vega
Dicklich	Knutson	Pehler	Sikorski	Wegener
Dieterich	Kroening	Penny	Solon	Willet
Engler	Langseth	Peterson, C. C.	Spear	
Frank	Lantry	Peterson, D. L.	Stern	

Those who voted in the negative were:

Bang	Berg	Brataas	Kronebusch	Renneke
Belanger	Bernhagen	Frederick	Lindgren	Rued
Benson	Bertram	Kamrath	Menning	Waldorf

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that H.F. No. 2190 be taken from the table. The motion prevailed.

### SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2190 and that the rules of the Senate be so far suspended as to give H.F. No. 2190 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2190: A bill for an act relating to education; changing the requirements for membership on the higher education coordinating board; allowing the regional management information centers to be considered governmental units for purposes of the joint powers law; requiring the approval of a plan for spending federal education block grant funds for state administrative purposes; allowing the immigration history research center to use donated services or donated property to meet its matching requirements; broadening the planning process relating to declining enrollments in higher education; repealing mandates; amending Minnesota Statutes 1980, Sections 136A.02, Subdivision 1; 471.59, by adding a subdivision; Laws 1981, Chapter 359, Section 2, Subdivision 8; and Section 9, Subdivision 12; Third Special Session Chapter 2, Article I, Section 6, Subdivision 1; repealing Minnesota Statutes, Sections 120.17, Subdivision 10; and 121.12.

H.F. No. 2190 was read the second time.

Mr. Willet moved to amend H.F. No. 2190 as follows:



Delete everything after the enacting clause, and delete the title, of H.F. No. 2190, and insert the language after the enacting clause, and the title, of S.F. No. 2219, as introduced.

The motion prevailed. So the amendment was adopted.

Mr. Knoll moved to amend H. F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 2219.)

Page 10, after line 24, insert:

"Sec. 18. Minnesota Statutes 1981 Supplement, Section 256B.06, Subdivision 1, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 32, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

(8) Who individually does not own more than \$2,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$4,000 in cash or liquid assets, plus \$200 for each additional legal dependent. *When only one spouse resides, or will reside after applying for medical assistance, in a nursing home, or is receiving or will receive alternative care under the alternative care grants*



*program in a county with preadmission screening under section 256B.091, the cash or liquid asset amount for two family members is \$10,000; provided that, if a federal court holds that this sentence does not comply with Title XIX of the Social Security Act, 42 United States Code, Sections 1396 to 1396n, this sentence shall cease to be effective. The value of the following shall not be included:*

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1, unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits."



Page 16, line 2, delete "18" and insert "19"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after the semicolon insert "changing liquid asset limits for medical assistance eligibility;"

Page 1, line 18, after the second semicolon insert "256B.06, Subdivision 1, as amended;"

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2219.)

Page 2, line 2, delete "\$292,300" and insert "\$92,300"

Page 2, line 2, delete "\$1,108,800" and insert "\$908,800"

Page 3, delete lines 4 to 6

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Knutson	Peterson, D.L.	Tennessen
Bang	Bertram	Lindgren	Ramstad	Waldorf
Belanger	Brataas	Menning	Renneke	Wegener
Benson	Frederick	Merriam	Schmitz	
Berg	Kamrath	Olhoft	Taylor	

Those who voted in the negative were:

Berglin	Frank	Kronebusch	Pehler	Spear
Chmielewski	Frederickson	Langseth	Penny	Stern
Dahl	Hanson	Lantry	Peterson, C.C.	Stokowski
Davies	Hughes	Lessard	Petty	Stumpf
Davis	Humphrey	Luther	Rued	Ulland
Dicklich	Johnson	Moe, D. M.	Setzepfandt	Vega
Dieterich	Knoll	Moe, R. D.	Sikorski	Willet
Engler	Kroening	Nelson	Solon	

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

Mr. Pillsbury offered the following and moved that it be printed in the Journal:

During the vote on the Pillsbury amendment to H.F. No. 2190, the voting machine did not record my vote. Had the machine been working, I would have been recorded as voting yea.

The motion prevailed.

Mr. Pehler moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2219.)

Page 15, after line 44, insert:



“Sec. 24. [AVTI CONSTRUCTION.]

*Notwithstanding the provisions of Minnesota Statutes, Sections 121.214, 121.2155, and 275.125, Subdivision 14a, or any law to the contrary, Independent School District No. 742, St. Cloud, may commence construction of the projects authorized in Laws 1981, Chapter 362, Section 2, Subdivision 1, subject to the following conditions:*

*(1) approval of the school board;*

*(2) availability at the time of construction of unencumbered funds in the district's area vocational-technical institute capital expenditure fund or building construction fund equal to or exceeding the total cost as authorized in Laws 1981, Chapter 362, Section 2, Subdivision 1; and*

*(3) the cost of construction shall not exceed the total cost as authorized.*

*At the time of construction, these projects shall be financed entirely from the balances in the capital expenditure or building construction funds in the district.*

*It is the intent of the legislature that the appropriations in Laws 1981, Chapter 362, Section 2, Subdivision 1, shall be paid to the districts at such time as the commissioner of finance determines that the proceeds of state bond sales are available for the projects. Upon receipt, the district shall reimburse the fund from which the project was funded. No state money shall be paid to any of these districts other than the money authorized for the projects in the original appropriation. The state's financial obligation to any district for a project constructed pursuant to this section shall be limited to the amount appropriated on behalf of the district to the state board of education in Laws 1981, Chapter 362, Section 2, Subdivision 1. The state's financial obligation to a district shall not include any interest.*

Sec. 25. [REPLACEMENT BUILDING, ST. CLOUD STATE UNIVERSITY.]

*The state university board is authorized to replace the existing building at the highway safety center at St. Cloud state university. Funding for the building shall be exclusively from earned revenue and shall not exceed \$28,000. For purposes of this section, “earned revenue” includes user fees.”*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert “authorizing Independent School District No. 742 to commence AVTI construction subject to certain conditions; permitting the state university board to replace certain buildings;”

The motion prevailed. So the amendment was adopted.

Mr. Davis moved to amend H. F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S. F. No. 2219.)

Page 10, after line 24, insert:

“Sec. 18. [DEVELOPMENTAL ACHIEVEMENT SERVICES; STUDY OF TRANSFER.]



*The commissioner of public welfare, in cooperation with the commissioner of education, shall provide to the legislature, no later than September 30, 1983, a plan designed to consider the feasibility of the following: transferring from the department of public welfare and designated county social service agencies to the department of education and local school boards responsibility for providing developmental achievement services for mentally retarded and cerebral palsied children who are less than four years of age.*

*The plan shall include recommendations with respect to:*

- (1) Services to be provided to children and their families;*
- (2) Administration of programs;*
- (3) Appropriate funding mechanisms;*
- (4) Appropriate inter-agency activity necessary to effectuate the transfer.*

Sec. 19. Minnesota Statutes 1980, Section 256B.02, Subdivision 7, is amended to read:

Subd. 7. "Vendor of medical care" means any person or persons furnishing, within the scope of his respective license, any or all of the following goods or services: medical, surgical, hospital, optical, visual, dental and nursing services; drugs and medical supplies; appliances; laboratory, diagnostic, and therapeutic services; nursing home and convalescent care; screening and health assessment services provided by public health nurses; health care services provided at the residence of the patient if the services are performed by a public health nurse and the nurse indicates in a statement submitted under oath that the services were actually provided; *services provided as needed by developmental achievement centers licensed by the commissioner for mentally retarded and cerebral palsied adults who are residents of intermediate care facilities for the mentally retarded;* and such other medical services or supplies provided or prescribed by persons authorized by state law to give such services and supplies.

Sec. 20. Minnesota Statutes 1981 Supplement, Section 256B.02, Subdivision 8, as amended by Laws 1981, Third Special Session Chapter 2, Article I, Section 31, is amended to read:

Subd. 8. "Medical assistance" or "medical care" means payment of part or all of the cost of the following care and services for eligible individuals whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services.
- (2) Skilled nursing home services and services of intermediate care facilities.
- (3) Physicians' services.
- (4) Outpatient hospital or clinic services.
- (5) *Developmental achievement services for mentally retarded and cerebral palsied adult residents of intermediate care facilities for the mentally retarded.*
- ~~(5)~~ (6) Home health care services.
- ~~(6)~~ (7) Private duty nursing services.
- ~~(7)~~ (8) Physical therapy and related services.



~~(8)~~ (9) Dental services, excluding cast metal restorations.

~~(9)~~ (10) Laboratory and x-ray services.

~~(10)~~ (11) The following if prescribed by a licensed practitioner: drugs, eyeglasses, dentures, and prosthetic devices. The commissioner shall designate a formulary committee which shall advise the commissioner on the names of drugs for which payment shall be made, recommend a system for reimbursing providers on a set fee or charge basis rather than the present system, and develop methods encouraging use of generic drugs when they are less expensive and equally effective as trademark drugs. The commissioner shall appoint the formulary committee members no later than 30 days following July 1, 1981. The formulary committee shall consist of nine members, four of whom shall be physicians who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, three of whom shall be pharmacists who are not employed by the department of public welfare, and a majority of whose practice is for persons paying privately or through health insurance, a consumer representative, and a nursing home representative. Committee members shall serve two year terms and shall serve without compensation. The commissioner may establish a drug formulary. Its establishment and publication shall not be subject to the requirements of the administrative procedure act. The formulary shall not include: drugs for which there is no federal funding; over the counter drugs, except for antacids, acetaminophen, family planning products, aspirin, insulin, prenatal vitamins, and vitamins for children under the age of seven; nutritional products; anorectics; and drugs for which medical value has not been established. Payment to drug vendors shall not be modified before the formulary is established. The commissioner may promulgate conditions for prohibiting payment for specific drugs after considering the formulary committee's recommendations.

The basis for determining the amount of payment shall be the actual acquisition cost of the drug plus a fixed dispensing fee established by the commissioner. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. Establishment of this fee shall not be subject to the requirements of the administrative procedure act. Whenever a generically equivalent product is available, payment shall be on the basis of the actual acquisition cost of the generic drug, unless the prescriber specifically indicates "dispense as written" on the prescription as required by section 151.21, subdivision 2.

~~(11)~~ (12) Diagnostic, screening, and preventive services.

~~(12)~~ (13) Health care pre-payment plan premiums and insurance premiums if paid directly to a vendor and supplementary medical insurance benefits under Title XVIII of the Social Security Act.

~~(13)~~ (14) Abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case



consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; or

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion.

~~(14)~~ (15) Transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by non-ambulatory persons in obtaining emergency or non-emergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.

~~(15)~~ (16) To the extent authorized by rule of the state agency, costs of bus or taxicab transportation incurred by any ambulatory eligible person for obtaining non-emergency medical care.

~~(16)~~ (17) Any other medical or remedial care licensed and recognized under state law unless otherwise prohibited by law.

(18) *Home and community-based care services provided under an approved care plan for persons who, without such services, would, as determined through pre-admission screening, require institutional care in a Title XIX-certified intermediate care facility for the mentally retarded. The following services shall be included: (1) services provided by developmental achievement centers licensed by the commissioner; and (2) semi-independent living services provided by persons licensed by the commissioner. Reimbursement shall be made directly to the vendor of services. The commissioner shall apply by June 1, 1982, for any federal waiver necessary to secure federal financial participation for services provided under this clause and shall proceed to implement the waiver as soon as possible after receipt.*

Sec. 21. Minnesota Statutes 1981 Supplement, Section 256B.03, is amended to read:

#### 256B.03 [PAYMENTS TO VENDORS.]

Subdivision 1. [GENERAL LIMIT.] All payments for medical assistance ~~hereunder~~ must be made to the vendor.

Subd. 2. [DEVELOPMENTAL ACHIEVEMENT SERVICES.] *Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments to vendors of developmental achievement services shall be as follows: payment for the biennium ending June 30, 1983, shall be based on the facility's per diem per adult for program and transportation services for developmental achievement services in state fiscal year 1981. Annual increases are subject to the limits of section 256B.03, subdivision 2.*

Subd. 3. [SEMI-INDEPENDENT LIVING SERVICES.] *Until such time as the commissioner can promulgate an appropriate rate-setting rule, payments*



*to vendors of semi-independent living services for mentally retarded and cerebral palsied adults shall be as follows: payment for the biennium ending June 30, 1983, shall be based on the provider's average daily charge per person for semi-independent living services in state fiscal year 1981. Annual increases are subject to the provisions of section 256.966.*

Subd. 2 4. [LIMIT ON ANNUAL INCREASE TO LONG-TERM CARE PROVIDERS.] Notwithstanding the provisions of sections 256B.42 to 256B.48, Laws 1981, Chapter 360, Article II, Section 2, or any other provision of chapter 360, and rules promulgated under those sections, rates paid to a skilled nursing facility or an intermediate care facility, including boarding care facilities and supervised living facilities, except state owned and operated facilities, for rate years beginning during the biennium ending June 30, 1983, shall not exceed by more than ten percent the final rate allowed to the facility for the preceding rate year.

Notwithstanding provisions of section 256B.45, subdivision 1, the commissioner shall not increase the percentage for investment allowances.

Sec. 22. [RULES.]

*The commissioner shall promulgate rules as required by sections 18 to 21.*

Sec. 23. [TRANSFER OF FUNDS.]

*Notwithstanding the provisions of Laws 1981, Chapter 360, Article I, Section 2, effective July 1, 1982, the commissioner of public welfare, in order to provide home and community-based care services for Medicaid-eligible mentally retarded persons who would otherwise require institutional care, is authorized to transfer to the state medical assistance account: (1) \$1,496,400 of the 1983 appropriations for semi-independent living services and community-based deinstitutionalization aid to counties; and (2) from the fiscal year 1983 community social service appropriation, an amount equal to state funds expended in fiscal year 1982 by the counties for developmental achievement services for Medicaid-eligible mentally retarded persons."*

Page 16, line 2, delete "18" and insert "24"

Page 16, line 3, delete "Section 17 is" and insert "Sections 18 to 23 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon insert "requiring the commissioners of education and public welfare to plan for the transfers of developmental achievement services for pre-school children; permitting payment for developmental achievement and semi-independent living services through medical assistance;"

Page 1, line 12, after the semicolon, insert "transferring funds;"

Page 1, line 15, before "296.13" insert "256B.02, Subdivision 7;"

Page 1, line 18, after the second semicolon insert "256B.02, Subdivision 8, as amended; 256B.03;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 51 and nays 9, as follows:



Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benson	Brataas	Kamrath	Kronebusch	Wegener
Bernhagen	Frederick	Knutson	Setzepfandt	

The motion prevailed. So the amendment was adopted.

Mr. Taylor moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2219.)

Page 11, line 19, after "LIMITS" insert "; MEMBERSHIP REQUIREMENTS"

Page 11, line 24, after the period, insert "*Membership shall be, to the greatest extent practicable, in proportion to the population of each economic development region to the total population of the state.*"

The motion prevailed. So the amendment was adopted.

Mr. Pehler moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2219.)

Page 15, after line 6, insert:

"Sec. 22. Laws 1979, Chapter 301, Section 6, Subdivision 2, is amended to read:

Subd. 2. The sum of \$1,600,000 is appropriated from the state building fund to the state planning agency for the purposes of this section. ~~\$1,000,000 of This appropriation shall be used for grants for acquisition of parks and trails; \$600,000 of this appropriation shall be used for grants for~~ and betterment of parks, trails, conservatories, zoos, *physical recreation facilities*, and other special use facilities."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 18, after "239.10;" insert "Laws 1979, Chapter 301, Section 6, Subdivision 2;"

The motion prevailed. So the amendment was adopted.

Ms. Berglin moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:



(The text of the amended House File is identical to S.F. No. 2219.)

Page 10, after line 24, insert:

"Sec. 18. Minnesota Statutes 1980, Section 241.045, Subdivision 1, is amended to read:

241.045 [CORRECTIONS MINNESOTA BOARD OF SUPERVISED RELEASE.]

Subdivision 1. [CREATION.] There is hereby created the ~~corrections board~~ *Minnesota board of supervised release* consisting of ~~five~~ *three* full time members; ~~four~~ *two* of whom shall be appointed by the governor with the advice and consent of the senate. ~~No more than two members appointed by the governor shall belong to the same political party.~~ Appointments to a vacancy shall be made in the same manner as other appointments, and shall be for the unexpired term. The chairman of the board shall be an officer of the department of corrections in the unclassified service of the state appointed by the commissioner of corrections to serve at his pleasure.

Sec. 19. Minnesota Statutes 1980, Section 241.045, Subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS.] Candidates for appointment to the ~~corrections board~~ *board of supervised release* shall ~~not be required to have specific academic or professional attainment, but shall~~ have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of persons over whom the board has jurisdiction and the safety of the public. ~~Among the members appointed by the governor, there shall be at least one woman, one man, and one member of a racial minority.~~

Sec. 20. Minnesota Statutes 1980, Section 241.045, Subdivision 3, is amended to read:

Subd. 3. [TERM OF OFFICE; REAPPOINTMENT.] *The first two members of the board appointed by the governor shall have been members of the corrections board on March 1, 1982, and shall be appointed to serve until June 30, 1983. At all times thereafter, there shall be at least one female board member. The members next appointed to the board of supervised release by the governor shall be appointed to serve for the following terms: one member for three years and one member for six years. Thereafter, the members of the board shall serve for terms of six years. Members shall be eligible for reappointment.*

Sec. 21. Minnesota Statutes 1980, Section 241.045, Subdivision 3a, is amended to read:

Subd. 3a. [REMOVAL; VACANCIES.] The removal of members and filling of vacancies on the board in respect to members other than the commissioner of corrections shall be as provided in section 15.0575. *The commissioner of corrections may designate an officer or qualified employee of the department to sit as a voting member of the board during the absence of a regular member.*

Sec. 22. Minnesota Statutes 1981 Supplement, Section 241.045, Subdivision 6, is amended to read:

Subd. 6. [QUORUM.] Except for the parole of persons serving life sen-



tences under the provisions of section 609.185, ~~persons serving extended terms of imprisonment as dangerous offenders under section 609.16, or the discharge of such persons pursuant to section 242.31, the board may sit in units of two or three members shall constitute a quorum as designated by the chairman under rules prescribed by the board; and such a unit shall constitute a quorum.~~

Sec. 23. Minnesota Statutes 1980, Section 241.045, is amended by adding a subdivision to read:

*Subd. 9. [CONDITIONAL RELEASE.] For the purposes of sections 241.045 and 243.05, and chapter 244, "conditional release" shall include but not be limited to, parole, supervised release and work release under the provisions of sections 241.26 and 244.065.*

Sec. 24. Minnesota Statutes 1981 Supplement, Section 243.05, is amended to read:

243.05 [BOARD; POWERS, LIMITATIONS.]

*Subdivision 1. The ~~corrections~~ Minnesota board of supervised release may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:*

(a) no ~~inmate~~ *person* serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years;

(b) no ~~inmate~~ *person* serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; *and*

(c) any ~~inmate~~ *person* sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; ~~and.~~

(d) ~~in all cases where an inmate is serving a life sentence for murder, unanimous consent of the corrections board is required for parole of the inmate.~~

Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, ~~an inmate~~ *a person* is and remains in the legal custody and under the control of the ~~corrections~~ *board of supervised release*, subject at any time to be returned to a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the board, when the legal custody of the convicted person reverts to the commissioner of corrections. The written order of the ~~corrections~~ *board of supervised release*, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole *or supervised release* to the ~~corrections~~ *board of supervised*



release, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee to the ~~corrections~~ board of supervised release for its action. The written order of the commissioner of corrections is sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. ~~Paroled persons,~~ *Persons conditionally released* and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for ~~parole conditional release~~ or ~~final release~~ *discharge*, the board is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any ~~inmates person,~~ but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the ~~inmate person,~~ and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. Each member of the board is authorized to administer oaths to witnesses for these purposes.

*Subd. 2. [RULES GOVERNING PAROLES AND SUPERVISED RELEASE.] The Minnesota board of supervised release shall, consistent with the philosophy embodied in chapter 244 and the sentencing guidelines, and pursuant to the pertinent provisions of chapter 15, promulgate rules governing the granting of parole, conditions of parole or supervised release, revocation of parole or supervised release, final discharge from parole, extraordinary discharge, work release, and the policies and procedures relating thereto. These rules shall be submitted to the sentencing guidelines commission within 210 days of the effective date of this provision for review. Previously promulgated rules reviewed by the sentencing guidelines commission need not be repromulgated under chapter 15. The sentencing guidelines commission shall monitor the implementation of the policies and procedures of the board to assure continuing consistency with the guidelines philosophy. The board shall provide information as required by the sentencing guidelines commission for monitoring.*

*Subd. 3. [DUTY OF BOARD; FINAL DISCHARGE.] The Minnesota board of supervised release shall, as far as is possible, maintain communication with all persons who are on conditional release and with their employers. When any person on parole has kept the conditions of parole in the manner and for the period of time that satisfies the board that he is reliable and trustworthy, and that his final release does not pose an immediate threat to the public safety, the board has the power, in its discretion, to grant the person a final discharge from his sentence. Upon granting a final discharge the board shall issue to the parolee a certificate of discharge containing the recitals required by section*



609.165, subdivision 1. The board shall also cause a record to be made showing the date of commitment, the date parole was granted, the person's record while imprisoned and on parole, the reasons for granting final discharge, and other facts as the board deems proper.

Nothing in this section shall be construed as impairing the power of the board of pardons to grant a pardon or commutation of sentence.

Subd. 4. [DEPUTATION OF OUT-OF-STATE AGENTS.] *The commissioner of corrections, on behalf of the Minnesota board of supervised release, may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole, supervised release, or probation granted by this state. In any matter relating to the return of the person, any agent so deputized has all of the powers of a peace officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried out by the agent as formal evidence of his deputization and shall be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release, parole, or probation as granted by this state.*

Sec. 25. Minnesota Statutes 1980, Section 244.01, Subdivision 7, is amended to read:

Subd. 7. "Supervised release" means the release of ~~an inmate~~ a person pursuant to section 244.05, other than work release, for an offense committed on or after May 1, 1980.

Sec. 26. Minnesota Statutes 1980, Section 244.01, is amended by adding a subdivision to read:

Subd. 9. [PAROLE.] "Parole" means release of a person by the board of supervised release other than pursuant to section 244.05, 244.06, or 244.07 for an offense committed on or before May 1, 1980.

Sec. 27. Minnesota Statutes 1980, Section 244.05, Subdivision 2, is amended to read:

Subd. 2. The Minnesota ~~corrections~~ board of supervised release shall promulgate rules for the placement and supervision of ~~inmates~~ persons serving a supervised release term. The rules shall also provide standards and procedures for the revocation of supervised release, and shall specify the period of revocation for each violation of supervised release. Procedures for the revocation of supervised release shall provide due process of law for the ~~inmate~~ person.

Sec. 28. Minnesota Statutes 1980, Section 244.05, Subdivision 3, is amended to read:

Subd. 3. If ~~an inmate~~ a person violates the conditions of his supervised release imposed by the Minnesota ~~corrections~~ board of supervised release, the board may:

(1) Continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or

(2) Revoke the ~~inmate's~~ person's supervised release and reimprison him for



the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the ~~inmate's~~ *person's* sentence.

Sec. 29. Minnesota Statutes 1980, Section 244.05, Subdivision 5, is amended to read:

Subd. 5. The Minnesota ~~corrections~~ *board of supervised release* may, under rules promulgated by it, give supervised release to ~~an inmate~~ *a person* serving a mandatory life sentence after he has served the minimum term of imprisonment specified in subdivision 4.

Sec. 30. Minnesota Statutes 1980, Section 244.06, is amended to read:

244.06 [EXTRAORDINARY DISCHARGE.]

The Minnesota ~~corrections~~ *board of supervised release* may give extraordinary discharge to ~~an inmate~~ *a person* for reasons of serious health problems, senility, advanced age or other extraordinary circumstances. The board shall promulgate rules specifying the circumstances under which extraordinary discharge may be approved by the board and the appropriate procedures for approving the same. No extraordinary discharge shall be effective unless also approved by the Minnesota board of pardons.

Sec. 31. Minnesota Statutes 1980, Section 244.065, is amended to read:

244.065 [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.]

When consistent with the public interest and the public safety, the Minnesota ~~corrections~~ *board of supervised release* may, with the recommendation of the commissioner, ~~conditionally temporarily release an inmate~~ *a person* to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of his term of imprisonment as reduced by good time earned by the ~~inmate~~ *person*."

Page 15, after line 44, insert:

"Sec. 38. [INSTRUCTIONS TO REVISOR.]

*In the next and subsequent editions of the Minnesota Statutes, the revisor of statutes shall make all changes in terminology as may be necessary to effect the changes in references made necessary by enactment of sections 18 to 31.*

Sec. 39. [APPROPRIATION.]

*The appropriation to the commissioner of corrections by Laws 1981, Chapter 360, Article 1, Section 4, Subdivision 2, to perform the responsibilities formerly assigned to the Minnesota corrections board is reappropriated to the commissioner for the Minnesota board of supervised release for fiscal year 1983.*

Sec. 40. [REPEALER.]

*Minnesota Statutes 1980, Sections 241.045, Subdivisions 7 and 8; 243.07; 243.10; 243.12; and 244.08, are repealed."*

Page 16, line 2, after the period, insert "*Sections 17 to 31 and 38 to 40 are effective July 1, 1982.*"

Page 16, line 2, delete "18" and insert "32"



Page 16, line 3, delete everything after the first period

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, before "296.13;" insert "241.05, Subdivisions 1, 2, 3, 3a, and by adding a subdivision; 244.01, Subdivision 7, and by adding a subdivision; 244.05, Subdivisions 2, 3, and 5; 244.06; 244.065;"

Page 1, line 18, after "239.10;" insert "241.045, Subdivision 6; 243.05;"

Page 1, line 22, after "362" insert "; repealing Minnesota Statutes 1980, Sections 241.045, Subdivisions 7 and 8; 243.07; 243.10; 243.12; and 244.08"

The motion prevailed. So the amendment was adopted.

Mr. Waldorf moved to amend H.F. No. 2190, as amended by the Senate March 10, 1982, as follows:

(The text of the amended House File is identical to S.F. No. 2219.)

Page 4, after line 8, insert:

"Sec. 10. [3.352] [LEGISLATIVE COMMISSION ON SCIENCE AND TECHNOLOGY.]

*Subdivision 1. [CREATION, MEMBERSHIP, MEETINGS.] The legislative commission on science and technology is composed of three senators of the majority party and two senators of the minority party appointed by the subcommittee on committees of the committee on rules and administration, and three representatives of the majority party and two representatives of the minority party appointed by the speaker of the house. The commission shall be appointed and shall hold its first meeting not later than 30 days after enactment of this section. The commission shall elect a chairman from among its members. Meetings of the commission shall be held not less than six times each year.*

*Subd. 2. [PURPOSE, LEGISLATIVE FINDINGS.] The legislature finds that an increasing number of scientific and technical issues have become major questions of public policy. It further finds that many legislators need greater knowledge and experience in physical and biological sciences and other highly technical fields. Therefore, the legislature declares the need for an on-going staff function that will supply objective services in the areas of issue identification, policy option review, and access to outside professional resource persons. Oversight of the science and technology function shall be primarily the responsibility of the commission established in subdivision 1.*

*Subd. 3. [GENERAL DUTIES.] The commission shall advise and assist other legislators and standing committees through:*

*(a) identification of scientific and technological issues that may require legislative involvement in the near or long term future;*

*(b) improving legislator understanding of technical aspects of issues that*



come before the legislature;

(c) acquiring adequate access to the testimony and counsel of experts in various scientific and technological fields;

(d) sponsoring seminars or other learning experiences that improve legislator understanding of scientific and technological issues.

Subd. 4. [SCIENCE AND TECHNOLOGY RESOURCE COUNCIL.] The commission shall establish or continue a science and technology resource council composed of 15 members from the academic and scientific communities of Minnesota. Council members shall serve six year terms, with the terms of five members expiring at the end of each odd-numbered year. The membership of the council shall appoint replacements to fill expired terms and vacancies caused by death, disability, or resignation. In January of each even-numbered year the council shall elect a chairman and vice-chairman from among its members to serve two year terms. The council shall meet upon the call of the chairman or the request of a majority of the council's members. The chairman may create and abolish subcommittees.

All council members shall serve without compensation. However, members may be reimbursed for the actual expenses of attending meetings.

The council may advise and assist the commission on:

(1) holding seminars on science and technology subjects that will provide information to legislators;

(2) defining scientific and technological issues that will be important in the future and that may require legislative encouragement, prohibition, or regulation;

(3) reviewing documents prepared by legislative staff on scientific and technological subjects; and

(4) maintaining access to a pool of specialists and experts who can assist the legislature in consideration of science and technology policy issues.

Subd. 5. [STAFF AND APPROPRIATIONS FOR THE COMMISSION.] The legislative coordinating commission shall be responsible for staffing and appropriations to the commission as provided in Minnesota Statutes 1981 Supplement, Section 3.304, Subdivision 2a. The legislative coordinating commission may delegate staffing responsibilities to an existing staff office of the house of representatives or the senate, a joint legislative committee or office, or a state agency.

The legislative coordinating commission may accept and receive, on behalf of the commission, any grants, gifts, or other funds made available to the state for purposes consistent with this section."

Page 15, after line 44, insert:

"Sec. 25. [REPEALER.]

Minnesota Statutes 1980, Section 3.351, is repealed."

Page 16, line 2, delete "18" and insert "19"

Page 16, line 3, delete "17" and insert "18"

Page 16, line 3, after the period, insert "The science and technology re-



*source council existing prior to Third Special Session 1981 Laws, Chapter 2, Section 2(a)(8) shall continue as the resource council established pursuant to section 10, subdivision 4."*

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "creating a legislative commission on science and technology;"

Page 1, line 21, after the semicolon, insert "repealing Minnesota Statutes 1980, Section 3.351;"

Page 1, line 22, after "Chapters" insert "3,"

The motion prevailed. So the amendment was adopted.

H.F. No. 2190 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 50 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kronebusch	Nelson	Spear
Bang	Frank	Langseth	Olhoft	Stern
Berglin	Frederick	Lantry	Pehler	Stokowski
Bertram	Frederickson	Lessard	Penny	Stumpf
Brataas	Hanson	Lindgren	Peterson, R. W.	Taylor
Chmielewski	Hughes	Luther	Petty	Tennesen
Dahl	Humphrey	Menning	Ramstad	Ulland
Davies	Johnson	Merriam	Schmitz	Vega
Davis	Knoll	Moe, D. M.	Setzepfandt	Waldorf
Dicklich	Kroening	Moe, R. D.	Sikorski	Willet

Those who voted in the negative were:

Belanger	Bernhagen	Knutson	Pillsbury	Wegener
Benson	Dieterich	Peterson, C. C.	Renneke	
Berg	Kamrath	Peterson, D. L.	Rued	

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate 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 that the House refuses to concur in the Senate amendments to House File No. 1499:

H.F. No. 1499: A bill for an act relating to the commitment of persons who are mentally ill, mentally ill and dangerous, mentally retarded, or chemically dependent; providing for informal admissions by consent, involuntary emergency admissions and for involuntary commitment by civil judicial procedures; providing for rights of persons admitted under voluntary, emergency or involuntary judicial procedures; requiring pre-petition screening; providing for



commitment hearings and procedures in conformance with due process; requiring a hearing and review before final determination of commitment; providing for commitment for determinate periods; providing for provisional discharge and partial hospitalization; requiring special review boards for mentally ill and dangerous and psychopathic personalities; establishing review boards for civilly committed persons; providing penalties; proposing new law coded in Minnesota Statutes, Chapter 253A; repealing Minnesota Statutes 1980, Sections 253A.01 to 253A.23.

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

Clawson, Jude and Gruenes have been appointed as such committee on the part of the House.

House File No. 1499 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 March 10, 1982

Mr. Spear moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1499, 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. 1804:

H.F. No. 1804: A bill for an act relating to partition fences; exempting certain lands from the provisions of Chapter 344; proposing new law coded in Minnesota Statutes, Chapter 344.

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

Johnson, C.; Murphy and Laidig have been appointed as such committee on the part of the House.

House File No. 1804 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 March 10, 1982

Mr. Renneke moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1804, 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 1817:



H.F. No. 1817: A bill for an act relating to transportation; adding a new route to the trunk highway system in substitution of an existing route; discontinuing and removing a route from the trunk highway system; providing for the disposal of surplus property; exempting the state transportation plan from the provisions of the administrative procedure act; requiring driver qualifications and safety requirements for certain motor carriers; regulating building movers and establishing fees; allowing expenditures from the state airports fund for educational programs to promote interest and safety in aeronautics; amending Minnesota Statutes 1980, Sections 161.41; 173.02, Subdivision 2; 174.03, Subdivisions 1 and 2; 360.015, Subdivision 2; 360.017, Subdivision 1; Minnesota Statutes 1981 Supplement, Sections 221.011, Subdivision 22; and 221.81; proposing new law coded in Minnesota Statutes, Chapter 221; repealing Minnesota Statutes 1981 Supplement, Section 161.465.

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

Mehrkens, Dahlvang and Anderson, G. have been appointed as such committee on the part of the House.

House File No. 1817 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 March 10, 1982

Mr. Engler moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1817, 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.

#### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Spear moved that S.F. No. 452 be taken from the table and that a new Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a new Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Moe, D.M. moved that S.F. No. 1689 be taken from the table. The motion prevailed.

S.F. No. 1689: A bill for an act relating to the operation of state government; authorizing the legislative auditor to approve contracts for auditing state agencies; clarifying certain provisions regarding the term of the legislative auditor; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.97, Subdivision 4; 3.972; and 462A.22, Subdivision 10.

#### CONCURRENCE AND REPASSAGE

Mr. Moe, D.M. moved that the Senate concur in the amendments by the House to S.F. No. 1689 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1689: A bill for an act relating to the operation of state government;



authorizing the legislative auditor to approve contracts for auditing state agencies; clarifying certain provisions regarding the term of the legislative auditor; modifying authority of the housing finance agency and certain other agencies to contract for audits without approval; amending Minnesota Statutes 1980, Sections 3.97, Subdivision 4; 3.972; 362.41, by adding a subdivision; and 462A.22, Subdivision 10.

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

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MEMBERS EXCUSED

Mr. Purfeerst was excused from the Session of today at 5:45 p.m.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 11, 1982. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate